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*The  
Messages and Proclamations*

OF THE

*Governors*

OF THE

STATE *of* MISSOURI



COMPILED AND EDITED BY

BUEL LEOPARD, A. M.

*and*

FLOYD C. SHOEMAKER, A. M.

SECRETARY OF THE STATE HISTORICAL  
SOCIETY OF MISSOURI

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VOLUME III

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## PREFACE

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This volume of the "Messages and Proclamations of the Governors of the State of Missouri" includes the messages and proclamations of Governors Trusten Polk (1857), Hancock Lee Jackson (1857), Robert Marcellus Stewart (1857-1861), Claiborne Fox Jackson (1861), and Hamilton Rowan Gamble (1861-1864).

None of these five men served a four year term. Governor Polk held the office of governor from January 5 to February 27, 1857, a period of only fifty-three days, the shortest term in the history of the State. He was elected to the United States Senate on January 13, 1857, eight days after he had been inaugurated governor. This is the only instance of its kind in Missouri history, and in fact only two other men (Governors Brown and Stone) have held both the office of governor and United States senator. Governor Hancock Lee Jackson succeeded Governor Polk by virtue of succession from the office of lieutenant governor and served until Governor Stewart took the oath of office on October 22, 1857. Governor Stewart served until January 3, 1861, when Governor Claiborne Fox Jackson took the oath of office. Governor Jackson died on December 6, 1862. On July 30, 1861, the Missouri State Convention passed an ordinance, one section of which vacated the offices of governor, lieutenant governor, etc. On July 31, 1861, the Convention elected Hamilton R. Gamble and Willard P. Hall governor and lieutenant governor respectively. By subsequent acts of the Convention, Gamble and Hall were continued in office until January 2, 1865. Governor Gamble died on January 31, 1864.

FLOYD C. SHOEMAKER.

Columbia, 1922



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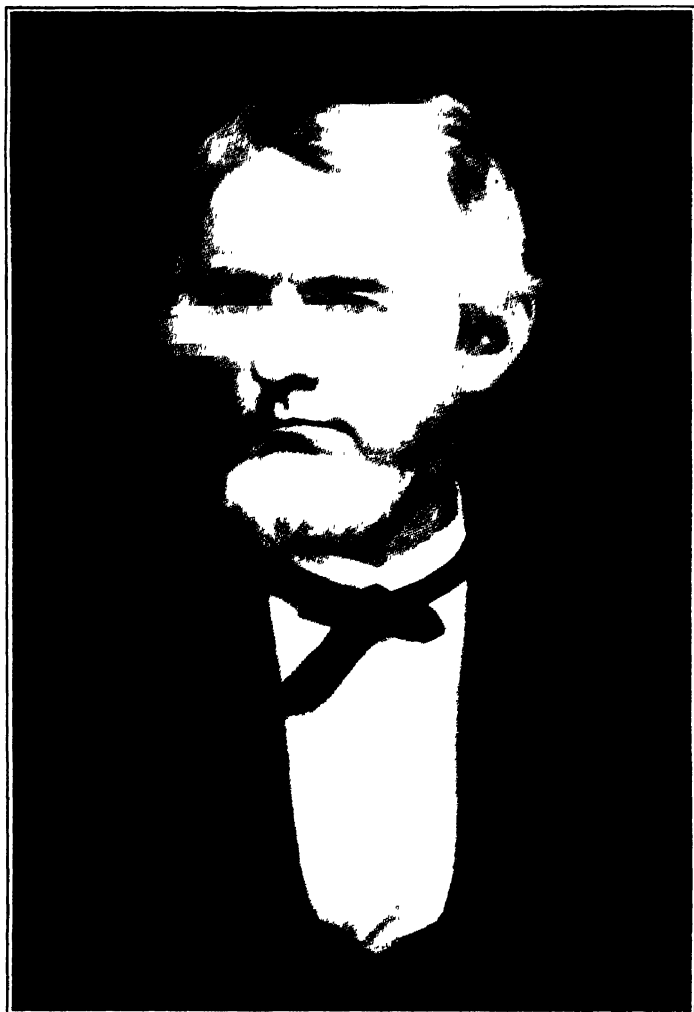
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**GOVERNOR TRUSTEN POLK**





TRUSTEN POLK  
Governor 1857





# TRUSTEN POLK

BY

FORREST C. DONNELL

Trusten Polk, twelfth governor of Missouri, was born in Sussex county, Delaware, on the 29th day of May, 1811. His father was William N. Polk, and his mother was the sister of Peter Causey, who was governor of Delaware from 1855 to 1859. William N. Polk was a direct descendant of Robert and Magdalene Polk from whom were also descended James K. Polk, eleventh president of the United States and Leonidas Polk, a bishop of the Protestant Episcopal Church and a major general in the Confederate Army.

The subject of this sketch was reared on a farm. He attended the common school, and was later admitted to an academy at Cambridge, Maryland. He subsequently entered Yale College, from which he was graduated in 1831.

It was his preference to enter the ministry, but his father deemed it advisable that he should become a lawyer, and, upon consideration, the son determined to follow the advice of his father. He accordingly studied law with James Rogers, (who had been attorney-general of Delaware for fifteen years) subsequently entering the law school at Yale College, where he spent two years. In 1835 he came to St. Louis, entered the practice of his profession and was attended by notable success.

On December 26, 1837, he was married to Elizabeth W. Skinner, by whom he had five children, one a son, who died in infancy, and four daughters. Of his daughters, one, Mrs. Thomas S. (Elizabeth) McPheeters, is living at the time this article is written.

In 1843 Polk was city counsellor of the City of St. Louis.

In 1844, because of failing health, he traveled to the Southern part of the United States and then to Cuba,

and in the next year went to the Northern States and to Canada. While absent from St. Louis he devoted a portion of his time to the examination of the system of the public schools in other states.

During his absence he was elected, from St. Louis county, as a member of the convention to revise the constitution of Missouri.

While it is stated that the most important, or at least the most urgent, of the amendments proposed at the convention to the old constitution, related to the basis of representation in the Missouri House of Representatives, yet numerous other important matters also occupied the attention of the convention. During the convention, Polk actively participated in its deliberations, acted as chairman of the committee on education, was a member of the committee on judicial power, and of a special committee to which were referred the petitions of sundry citizens praying the abolition of the system under which licenses were required for engaging in business.

Though a constitutional provision requiring the establishment of schools "where the *poor* shall be taught gratis" had existed since the framing of Missouri's first constitution, yet it had been only since 1839 that "the establishment of the public school system of Missouri, in its essential features, without restricting its benefits to the 'poor' and with the main features of State and local organization was effected." Moreover, throughout its history the school system of Missouri had been greatly hampered by inadequacy of funds. The president of the Constitutional Convention wrote strongly, in 1845, of the greater prevalence of illiteracy in Missouri than in New England, and of the much smaller relative number of children attending primary schools in Missouri than in New England, making the statement that "by the official returns of the United States census for the year 1840 it appears that in regard to education the State of Missouri is almost at the tail of the Union." As chairman of the committee on education, Polk, who was a warm advocate of the common school

system, presented to the convention a proposed article, making it mandatory on the Legislature to provide "by taxation on property and by capitation tax or otherwise" means for the support of free public schools, and requiring of the Legislature that certain specific funds shall be appropriated for the purposes of education by means of such schools. The article presented by Polk also provided that moneys arising from sales of lands granted by the United States to Missouri for the use of a seminary of learning, and the proceeds of all donations to be thereafter made for that purpose, shall constitute a perpetual fund, upon which the State of Missouri shall pay interest, which shall be appropriated to the support of the University of Missouri at Columbia.

Under the constitution of 1820, in force at the time of the convention, the judges of the supreme and circuit courts were appointed by the governor, to hold office during good behavior, and this remained the law until the adoption of a constitutional amendment in the session of the General Assembly of 1848-1849, which left the appointing power in the governor, but fixed the term at 12 years for supreme judges and 8 years for circuit judges, all, however, being eligible for re-appointment. In the proceedings of the convention of 1845, it is of interest to note that Polk voted against a proposal that the judges of the supreme court should be chosen by the qualified electors of the State.

Polk also took an active part in the work of the convention on the subject of banks and corporations. The problem of banks and banking was one of the important features of the convention in which great interest was taken. The president of the convention, in urging the adoption of the constitution, vigorously argued that the tendency of bank paper is to banish specie from circulation, encourage speculation, and cause alternate expansions and contractions with resultant distress and injury to the public.

While voting in the negative on a proposal to prohibit the future creation, renewal or extension of any corporate body with banking or discounting privileges, Polk offered and

moved the adoption of a section (which was adopted by the convention) prohibiting the future creation, renewal or extension of any corporate body with the privilege of making, issuing or putting in circulation any paper to circulate as money. He also voted in favor of a provision making stockholders in every private corporation (except educational and charitable) liable for all debts and liabilities of such corporation.

In 1848, Polk was chosen a member of the Democratic Convention which nominated Austin A. King for Congress, and in the same year Polk was one of the Presidential electors on the Democratic (Cass-Butler) ticket.

In 1856 he was nominated for Governor of Missouri by the Democratic Party. The election resulted in the choice of Polk over Robert C. Ewing and Thomas Hart Benton, the vote of the respective candidates being as follows: Polk, 46,993; Ewing, 40,589; and Benton, 27,618. One closely in touch with Missourians of the day wrote later that it was "that rare blending of Christian graces with stalwart strength of mind which gave Trusten Polk the victory over Benton in 1856." Of the campaign preceding the election, it has been said that "few elections anywhere have been more exciting than the National, State and Congressional elections of 1856 in Missouri" and in his Inaugural Address, delivered on January 5, 1857, Governor Polk made reference to the "heated political contest, in which many aggravating and bitter elements of strife have been mingled, most menacing to the integrity of our Confederacy."

In his Inaugural Address, the Governor made special mention of the problems relating to the development of railroads—to which the Legislature of Missouri had previously granted over \$19,000,000.00—and expressed the view that if the railroads are to be completed and the system of railroads be made to answer the end intended "it must be accomplished mainly, if not exclusively, by our own means and energies."

Certain of the problems of banking, with which Polk

had dealt in the Constitutional Convention of 1845-6, still confronted the State. In the session of 1854-5 the General Assembly had resolved that there be proposed, as an amendment to the constitution, a provision repealing the existing article of the constitution (whereby the General Assembly was granted power to incorporate one banking company "and no more to be in operation at the same time," such bank to be privileged to have branches not to exceed five in number, its capital stock never to exceed five million dollars, at least one-half of which shall be reserved for the use of the State of Missouri) and substituting power in the General Assembly to establish such bank or banks not to exceed ten, the aggregate amount of capital of which should never exceed \$20,000,000.00, as may be deemed necessary for the interests of the State, "but every bank so established shall be based upon a specie capital, and made liable to redeem its issues in gold or silver." In his Inaugural Address, Governor Polk made mention of the proposed amendment, expressed the view that the sentiment of the State favors its adoption, and called attention of the General Assembly to the fact that it will devolve upon it to say whether the welfare of the State and the duty of the General Assembly to its constituents require the adoption of the amendment. The amendment was adopted by the General Assembly within two weeks after the inauguration of Governor Polk.

Soon after Governor Polk's inauguration, the joint session of the Legislature convened for the election of a United States Senator to succeed Henry S. Geyer. In the vote which followed, Governor Polk was elected, receiving 101 votes as against 34 for Hamilton R. Gamble and 23 for Thomas Hart Benton. The term for which Governor Polk was elected to the Senate was to continue until March 4, 1863. Governor Polk, soon after his election, resigned as Governor, his resignation being effective February 27, 1857. His occupancy of the office of Governor was shorter than that of any other Governor of Missouri.

Soon after the presentation of his credentials to the

United States Senate, Polk was appointed as a member of its Committee on Foreign Relations and of its Committee on Claims. Among the addresses delivered by Polk on the floor of the Senate, attention is especially called to his address of March 11, 1858, favoring the admission of Kansas to the Union under the LeCompton Constitution, his remarks favoring the construction, and with reference to the route, of the Pacific Railroad, his address on the state of the Union (delivered January 14, 1861, a few days after the secession of Mississippi, Florida and Alabama, and less than a month after that of South Carolina) in which he favored irrepealable amendments to the constitution of the United States, recognizing, among other principles, the right of property in slaves, the right of the owner to take them into the territories and have the Federal Government there protect his property in them, and providing compensation for an owner who is prevented from retaking his fugitive slave. In the latter address Polk earnestly and eloquently assured the Senate that in his judgment the citizens of Missouri do not desire to see disruption of the Government, and that it "would rend the great heart strings of the entire state," but expressed the belief that if "you are determined to push and precipitate disunion upon the country—she will not hesitate to take her position with the South." Polk also took the view, in the same address, that the Federal Government does not have the right to coerce a seceding state back into the Union by force.

From the beginning of the session which started December 2, 1861, Polk, in response to his convictions, absented himself from the United States Senate, and on January 10, 1862 a resolution declaring him expelled was adopted by the Senate. A similar resolution with respect to the other Senator from Missouri was adopted on the same day.

Upon leaving the Senate, Polk went to New Madrid, Missouri, and enlisted his efforts in support of the Confederacy, entered its military service, and held, during the

Civil War, the position of Presiding Military Judge of the Department of the Mississippi.

In 1864 he was taken prisoner and confined on Johnson's Island until exchanged several months later.

At the close of the Civil War Polk returned to St. Louis and resumed the practice of law. His property had been confiscated by the Government, but was subsequently returned to him. He remained a practitioner at the bar of St. Louis until his death, which occurred at St. Louis on April 16, 1876.

For many years prior to his death he was an active member of the Methodist Episcopal Church South and of the annual and general conferences of that Church.

Governor Polk was considered one of the leading members of the St. Louis bar, and was counsel in much important litigation. Judge George H. Shields, an eminent member of the St. Louis bar, has said of him: "He was a sound lawyer and close, logical reasoner." As a speaker he was polished, logical and often eloquent. Governor Polk was a man of high character and principles. To quote one who wrote of him: "He was a man of stainless integrity and of the purest private character."



## INAUGURAL ADDRESS

JANUARY 5, 1857

*From the Journal of the Senate, pp. 31-35*

*Fellow-Citizens, and Gentlemen of the Senate and House of Representatives:*

In assuming the office of Chief Magistrate of our State, I should do violence to the feelings of my nature, did I forbear to express the gratitude I feel to my fellow-citizens for their confidence and favor, evinced in calling me, by their suffrages, to fill a position so elevated. But, at the same time, I cannot forget, that the responsibilities of the station are fully commensurate with its dignity. And conscious of my own weakness, I feel a painful apprehension, that I may not be able to meet the reasonable expectations of my fellow-citizens, nor the just demands of the office which I have been called to fill. I may derive some support, however, from the reflection, that I can, at least, bring an honest purpose and faithful endeavors to the discharge of the arduous duties that lie before me; and, after that, throw myself upon the indulgent forbearance of my fellow-citizens, who, I am persuaded, will be ever ready to pardon much to the errors of judgment, when assured that my motives are pure and patriotic.

Elected as the advocate and exponent of well known political principles, which I believe wise and Constitutional in themselves, and expedient in their operation; yet, at the same time, I feel it to be due to myself, to say, that in the discharge of my official duties, it shall be my endeavor to act, not as the representative of a party, but as the Chief Executive Officer of the entire people of the State—regardful of the interests and welfare of each individual citizen. And I shall make it my aim in the execution of the functions of my office, to respect the rights of minorities as well as the wishes of majorities.

In all my official conduct, my leading purpose shall be, faithfully to observe the Constitution of the United States and of the State of Missouri. The emphatic and solemn injunction of the latter, that I "shall take care that the laws shall be faithfully executed," I hope never to forget; nor ever to lessen the respect due to the laws, by carelessly or lightly dispensing with the penalties they denounce against their violation. And, I am sure, I shall not cease to be impressed with the truth, that a rigid adherence to the former, in a strict construction of all its provisions, both in its commands and its prohibitions, is the only course that can be relied on for the preservation and perpetuation of the glorious Union of our Confederate States.

It is matter of sincere congratulation, that a love of our cherished Union still pervades the bosoms of the people of the entire Republic. We have just passed through an unusually heated political contest, in which many aggravating and bitter elements of strife have been mingled, most menacing to the integrity of our Confederacy; yet the patriotism of the great conservative masses of our true-hearted citizens,—their attachment to our Constitution,—their love for that Union, by which as a nation we have attained to unexampled greatness and happiness, have triumphed over the fell spirit of sectionalism and disunion.

It will be a never failing source of gratification to me, if I shall be able to contribute in any degree, towards inspiring a more sacred reverence for the Constitution of Government, under which the several peoples of all the States are united as one people,—a stronger attachment to that Union thus established and the free institutions of which it is at once the conservator and guaranty—and a fraternal regard for each of our sister States and for the people of every section of our widely extended country. Oh! that these sentiments might pervade the population of our common country from North to South, and from Sea to Sea.

In obedience to the requirements of our own State Constitution, and conformably to the provisions of our Federal Compact, which confines the action of the General Govern-

ment within the limitations of powers expressly granted by it, and reserves to the States respectively, or to the people thereof, all the powers not granted, you, gentlemen of the Senate and House of Representatives, have assembled to devise such measures and enact such laws, as in your judgment, the institutions, condition and interests of the people of our beloved State may require.

No one can reflect upon the commanding position which our State is permitted to occupy, without just pride and high hopes. Possessed of a soil of unrivaled fertility and great variety, as also a genial climate, alike favorable to the diversity and copiousness of our agricultural productions, and to the healthfulness and vigor of our people, mental and corporeal; possessing inexhaustible mines of the most valuable metals, those metals to which the civilization of the world is most deeply indebted, we have already made a growth in all that constitutes a great and prosperous commonwealth, which may well inspire sentiments of gratitude and pride. And if we shall wisely and efficiently avail ourselves of these inestimable advantages, we may anticipate, with the favor of a kind Providence, a future which almost challenges the imagination to portray.

Facts and considerations like these, beget very weighty and solemn responsibilities.

In performing the respective parts in the legislation of our State, assigned by the Constitution to you, gentlemen of the General Assembly, and to myself, I hope the Legislature and the Executive will never be brought into conflict. It certainly will be my object to cooperate, and not to contend, with you.

The Constitution, in my opinion, reposes the power of a qualified veto in the Executive over the action of the General Assembly, not so much to vest legislative power in the Governor, as to arrest the rash or intemperate exercise of that power, by the Senate and House of Representatives. But should such a state of things unfortunately arise, I will endeavor to meet, what I shall deem my constitutional obligations in that emergency, with becoming firmness.

I consider that it is the spirit of our Constitution, as well as the dictate of justice and right, that the legislation of the State should bear equally on all its great interests; and, as far as it may be practicable, on each of its individual citizens—conferring on all equal rights, and imposing on all equal burthens. I hold it to be a Republican maxim, that the government of the State should bear as lightly as possible upon its population. And to effect this, like the atmosphere, it should press on all alike, and in all points of its contact, equally on each individual.

It will be my aim to do all I can within the scope of my constitutional authority to foster our great agricultural, manufacturing and commercial interests, and to aid in directing the energies and enterprise of our citizens in the development of the resources of our State, mineral and agricultural. When the agriculturist has gathered his crop,—when the miner has disemboweled the ores of our mines, and the manufacturer has converted them into metal, a market is needed. It will be my pleasure to aid in furnishing facilities to render this desideratum attainable.

Previous Legislatures have inaugurated in our State a System of Railroads, for the accomplishment of this and kindred objects. In these roads the State is deeply interested, not only as they must affect her prosperity and growth,—the wealth of her citizens—their advancement in the arts of civilization, and their substantial and permanent melioration in all respects, but, also, because of the high pecuniary stake that she has in them.

I think all who have even casually observed the progress of things, must be satisfied, that if this system shall be made to answer the end intended, and these roads be completed, it must be accomplished mainly, if not exclusively, by our own means and energies. Are we equal to the task?

With an intelligent and enterprising population, comprising men from different States and countries, reared and educated amid the discoveries and inventions that science and art have achieved, and thus imbued with every kind of practical skill and experience, ready to seize upon every

occasion offered by our great natural advantages, and willing to encounter a present burthen for the sake of a greater future good, I cannot distrust our ability.

But at the same time, it will require time, and economy, and prudence in the management of our means and resources and in making and executing the contracts for the work required. We must be careful not to destroy the energies of our constituency by over-tasking them, nor exhaust their resources by drawing on them too largely all at once. By all means let us see to it that all the liabilities of the State are met promptly and in full. Let her credit, and character be maintained untarnished and above doubt.

I am satisfied that the public sentiment of the State is in favor of the adoption of the amendment to the Constitution on the subject of Banks, submitted to the arbitrament of the people by the last General Assembly.

Surrounded as we are by a multitude of Banks created by our Sister States, and flooded as we must be by their issues, the necessities of our condition are such, that we are not left the alternative of determining whether it is best to have Bank Notes at all or not. To have them seems inevitable—and if not domestic, then foreign.

Accordingly, the question presented by the action of the last Legislature, will not be, whether the Constitution ought to contain a prohibition against all Banks—but, whether it shall retain its present provision, or shall in its place embody the proposed amendment. In other words, whether the existing article in our Constitution is such as is best adapted to our present condition and most likely to insure our future progress?

This provision in our Organic Law fixed limitations on the number and capital of banks, which, when the State Government was formed, were, doubtless, ample enough for the wants of our State while in her infancy. But now that she is growing up to the strength of maturer years, she needs wider limits and freer scope for the development of her expanding faculties and energies.

Gentlemen of the Senate and House of Representatives,

it will devolve on you to say, whether the welfare of the State and your duty to your constituents, require the adoption of the amendment proposed. And as I feel well assured that in your deliberations and action on this most difficult and important subject, you will be prompted by upright motives, so, also, I trust you will be guided by wise counsels.

Fellow-citizens: "I may often go wrong," even while doing the best I can. "When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground." Prone to error and exposed to misconstruction, I feel myself impelled to appeal for guidance and support to that Divine Wisdom and Power, whose interposition and succor I know I shall constantly need.

[TRUSTEN POLK.]

## VETO MESSAGE

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### TO THE SENATE

FEBRUARY 11, 1857

*From the Journal of the Senate, p. 240*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 11, 1857.

*To the Hon. President of the Senate:*

Sir—There has been presented to me, for my approbation, a bill which originated in the Senate, and which has been passed by both Houses of the General Assembly, entitled,

“An act to incorporate the Trustees of New Jerusalem Church.”

In pursuance of the provisions of the tenth section of the fourth article of the constitution, that “if the Governor approve the bill, he shall sign it; if not, he shall return it, with his objections, to the House in which it originated.” As I do not approve the bill, I hereby return it to the Senate, with my objections thereto, which are as follows: It is ordained in the fifth section of the thirteenth article of the constitution, “that no religious corporation can ever be established in this State.” In my opinion, the enactment of this bill into a law would be the establishment of a religious corporation in this State, and for this reason I cannot approve the same.

Respectfully,

TRUSTEN POLK.

## SPECIAL MESSAGES

## TO THE GENERAL ASSEMBLY

JANUARY 29, 1857

*From the Journal of the Senate, p. 169*

JEFFERSON CITY, January 29, 1857.

*To the General Assembly of the State of Missouri:*

Gentlemen—In pursuance of the 12th section of the act entitled, “An act to secure the completion of certain railroads in this State,” approved 10th December, 1855, the Board of Public Works have submitted to me a report which is deposited in the office of Secretary of State. The act above referred to makes no provision for my transmitting the aforesaid report to the General Assembly, but I take the liberty of calling your attention to the report, in order that you may take steps to bring the same before the Legislature, and have the same published, or make such other disposition of it as, in your wisdom, you may deem most advisable.

Respectfully yours,  
TRUSTEN POLK.

## TO THE SENATE

FEBRUARY 13, 1857

*From the Journal of the Senate, p. 252*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 13, 1857.

*To the Hon. President of the Senate:*

Sir—In pursuance of the first section of the “Act for the government of the State Lunatic Asylum and the care of the insane,” approved 5th March, 1855, I hereby nominate to the Senate, and, by and with its advice and consent, appoint the following Board of Managers for the Govern-



ment of the State Lunatic Asylum, for the term of four years, and until their successors shall be duly appointed and qualified, to-wit:—

JEFFERSON F. JONES,  
WM. H. CHASE,  
WM. CARRINGTON,  
DAN'L M. TUCKER,  
JOSEPH FLOOD,  
CHARLES H. HARDIN,  
THO'S B. HARRIS.

Your obedient servant,  
TRUSTEN POLK.

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### TO THE SENATE

FEBRUARY 14, 1857

*From the Journal of the Senate, p. 252*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 14, 1857.

*To the Honorable President of the Senate:*

Sir—I deem it proper that the inclosed reports and resolution of the Kentucky Legislature, transmitted to me as Governor of this State, should be laid before the Legislature of Missouri; for this purpose, I, therefore, cause them to be delivered to you.

I am, your obedient servant,  
TRUSTEN POLK.

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### TO THE SENATE

FEBRUARY 11, 1857

*From the Journal of the Senate, p. 279*

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EXECUTIVE DEPARTMENT, February 11, 1857.

*To the Hon. President of the Senate:*

Sir—In pursuance of the first section of the act for the government of the Asylum for the Education of the Deaf and Dumb, approved November 17, 1855, (Revised Code

of 1855, page 215), I hereby nominate to the Senate, for appointment, by, and with its advice and consent, the following gentlemen, to constitute part of the Board of Managers of said Asylum, for the unexpired portion of the term, commencing on the 28th of February, 1855, and expiring on the 28th of February, A. D. 1859, to wit:—

W. H. Bailey, E. T. Scott, and Washington R. Kidwell.

Your obedient servant,

TRUSTEN POLK.

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### TO THE SENATE

FEBRUARY 21, 1857

*From the Journal of the Senate, pp. 312-313*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, February 21, 1857.

*To the Hon. President of the Senate:*

Sir—In pursuance of the first section of the act for the government and management of the Asylum for the Education of the Blind, I hereby nominate for appointment, by, and with, the advice and consent of the Senate, the following Board of Trustees, for four years, and until their successors shall be duly appointed and qualified:—

James E. Yeatman, S. Pollock, William G. Eliot, E. J. Pittman, Joseph Charless, And Ferman M. Post.

Your obedient servant,

TRUSTEN POLK.

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### TO THE SENATE

FEBRUARY 23, 1857

*From the Journal of the Senate, p. 317*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 23, 1857.

*To the Hon. President of the Senate:*

Sir—In addition to the names sent into the Senate on the 21st, which were only six in number, as a Board of Trus-

tees, for the management of the Asylum for the Blind, I beg respectfully to nominate C. Haywood, as an additional trustee—thus making the number seven, as required by the statute.

Your obedient servant,

TRUSTEN POLK.

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### TO THE SENATE

FEBRUARY 24, 1857

*From the Journal of the Senate, p. 357*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 24, 1857.

*To the Honorable President of the Senate:*

Dear Sir—A few days since, I recommended to the Senate, for appointment, by, and with its advice and consent, a Board of Trustees for the Asylum for the Blind. I have, since then, been informed that one of the gentlemen nominated, William G. Eliot, declines to serve; I, therefore, hereby nominate to the Senate, in the place of Mr. Eliot, William Fenny, Esq., as Trustee.

Your obedient servant,

TRUSTEN POLK.

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### TO THE LIEUTENANT-GOVERNOR

FEBRUARY 26, 1857

*From the Journal of the Senate, p. 357*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 26, 1857.

*To the Hon. Hancock Jackson, Lieutenant-Governor of the State of Missouri:*

Dear Sir—I beg to inform you that I hereby resign the office of Governor of the State of Missouri, from and after this day—my resignation to take effect to-morrow, the 27th inst.

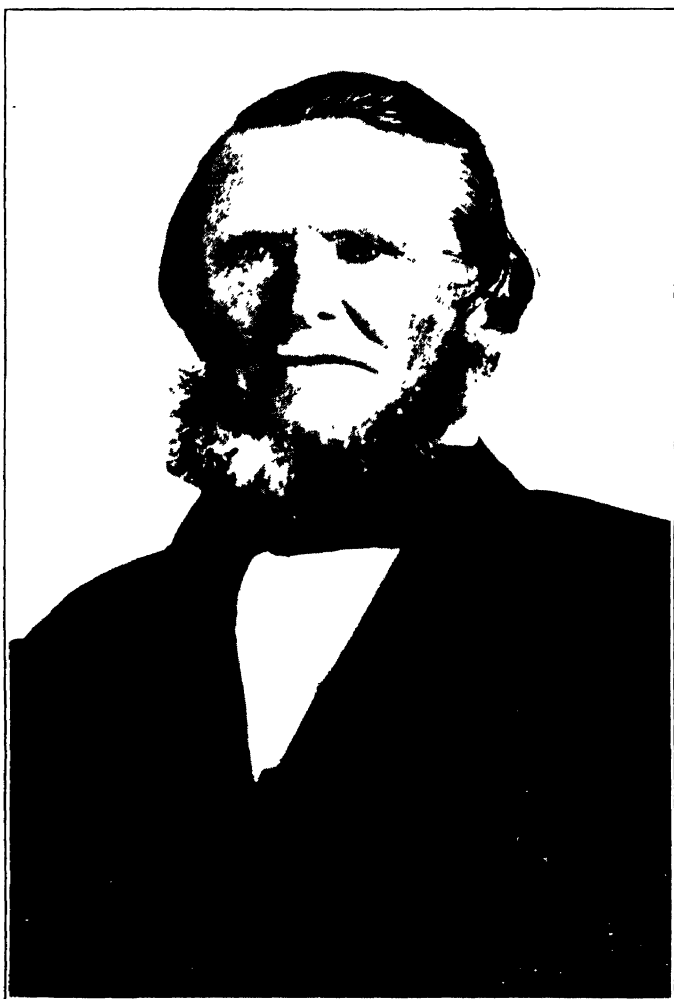
With gratitude to my fellow-citizens, and esteem for yourself, I beg to subscribe myself,

Your obedient servant,

TRUSTEN POLK.

**GOVERNOR HANCOCK LEE JACKSON**





HANCOCK LEE JACKSON  
Governor 1857



## HANCOCK LEE JACKSON

BY

BUEL LEOPARD

Hancock Lee Jackson was born in Madison county, Kentucky, May 12, 1796. His parents were of Scotch and Irish descent.

In the spring of 1821, Hancock Jackson was married to Miss Ursula Oldham. They were the parents of eleven children, all of whom are now dead except Mrs. George W. Woodson of Billings, Montana, and Walter H. Jackson, of Corvallis, Orgeon. To the latter the writer is indebted for much of the data contained in this sketch.

Coming to Missouri in the fall of 1821, Hancock Jackson and his wife settled first in Howard county, but later located on a farm within the present boundaries of Randolph county. Upon the organization of Randolph county in 1829, he became the first sheriff. In 1831 he was a member of the commission which located the seat of justice for the newly organized county of Monroe. He was a member of the Constitutional Convention of 1845, representing, with Elias Kincheloe, the Eleventh district.

At the beginning of the Mexican War, Mr. Jackson raised a company of volunteers, of which he was elected captain. This unit became Company C of the Second Regiment, Missouri Mounted Volunteers, serving under Brigadier General Sterling Price and Lieutenant-Colonel D. D. Mitchell. This company, after being drilled at Fort Leavenworth, was sent south and took part in two engagements,—one at Taos and the other in the Moreau valley.

In 1850 he was elected to the State Senate, and served four years. In 1856 the Democratic party elected Trusten Polk, Governor and Hancock Jackson, Lieutenant Governor. The following February, Polk was elected to the United States Senate. Mr. Jackson then became acting Governor



and served until October 1857, when Robert M. Stewart, who had been elected at the special election in August 1857, took the oath of office.

The Democratic party was divided into two factions in 1860 and each nominated a candidate for Governor. Hancock Jackson was the choice of the Breckenridge Democrats. His cousin, C. F. Jackson was nominated by the Douglas Democrats. In the state election in August, however, less attention was paid to national issues than in the November election. C. F. Jackson was regarded as the regular party candidate and Hancock Jackson received only about 11,000 votes.

Under President Buchanan he held the office of United States Marshal of the Western District of Missouri. Upon the election of President Lincoln he resigned and retired to private life.

In 1865 Governor Jackson removed to Salem, Oregon, where he died March 19, 1876, at the residence of his son-in-law, General John F. Miller.

## ADJOURNED SESSION MESSAGE

OCTOBER 20, 1857

*From the Journal of the Senate, pp. 6-10*

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*Gentlemen of the Senate, and of the House of Representatives:*

At your adjournment in March last, I did not anticipate that circumstances would arise which would impose upon me the duty, in obedience to the constitution, of recommending to your consideration other measures for the promotion of the welfare of the State, than those indicated in the last Message. The country then seemed to be in a condition of general prosperity. Our currency was apparently sound. Commerce seemed to be active and confined to healthful channels. Manufacturing enterprise was vigorous and confident. Agriculture, the basis of all material prosperity, promised to yield abundant returns; and individual diligence and labor reaped their fair reward. There was nothing to betoken the crisis which has come upon us. Our railroad enterprises, it was hoped, would move steadily on to completion, abundant means having been provided by the liberality of the General Assembly; and our banking institutions, it was believed, would furnish a sound circulation, adequate to the commercial and industrial wants of our people.

Nothing could exhibit the fallacies and dangers of a credit and banking system, carried beyond their legitimate limits, more clearly than the present state of affairs, compared with the confident anticipations indulged in by every class of the community, up to the very moment when the storm burst upon the country. Although we have experienced similar things at various periods during our existence as a confederacy, we were, in this instance, as we ever have been, prone to forget the calamities of the past, and to hope against hope for the future. The results are as natural and necessary as the results of known physical

causes, depending upon the operations of immutable laws. There are limits within which the banking system may not only be safe, but beneficial; and until we provide the appropriate means for confining them within these limits, we may expect periodical convulsions, similar to the one under which we are now suffering. They would not be so lamentable, if the ruin arising from them was visited only upon those whose misconduct has produced them; but, unfortunately, they generally escape, and shift the burthen upon the shoulders of the producing and laboring classes.

To us, the most disastrous consequence produced, has been the check given to our railroad system, and the evident deterioration of the credit of the State. Our prospects are so dependent upon these, that the present condition of things, in my opinion, imposes upon us serious and important duties. The first of these is, to take such judicious and decisive measures as will secure, beyond all question, the honor and credit of the State; the second, to devise such amendments to our railroad system as will enable the companies to secure what has been done, and ultimately to complete these important works; and the third is, to place such additional guards upon the banking system as will confine it within legitimate limits, and tend to expel from our borders all depreciated paper.

In the measures tending to these ends, all of us are interested—the people at large, the stockholders in the roads, and the stockholders in the banks; and I will not presume that any one will be so wanting in patriotism and public spirit, as to oppose them. What is done, I hope can be done with the cordial concurrence of all concerned. To effect the objects contemplated, several distinct steps ought to be taken. Some of them are exclusively and absolutely within the power of the General Assembly, and some may require the assent of the railroad and banking companies. To appreciate them, they must be enumerated and considered separately, and as a whole; for they have their several merits, as well as a mutual dependence upon each other. They are as follows, viz: 1st. That no more

State bonds should be issued and sold at ruinous rates of discount. 2d. That a tax should be levied, which, with the surplus revenue, and the two and three per cent. funds, would be sufficient to cover the whole amount of interest on the bonds of the State. 3d. That the State should have a representation in the several boards in proportion to the amounts of the bonds she has now or may hereafter issue in aid of the roads. 4th. That in future the bonds of the State should be disposed of by an agent appointed by the Executive, and acting under the supervision of the Governor, the Auditor and Treasurer, and the proceeds thereof delivered to the officers of the companies. 5th. That the Board of Public Works should be armed with such additional powers as will enable them to penetrate into all the details of the management of the roads, and to exercise a salutary influence upon, and supervision over them. 6th. That some one of the banks in the city of St. Louis should be made a clearing house, in which all the banks and branches shall keep a sufficiency of means to protect their issues at par value. 7th. That all the banks should be required to publish their weekly statements, on the same day; and to show the amount due to depositors, and the amount of their discounts, in addition to the items now required by law to be published. 8th. That it shall be the duty of the bank commissioners, whenever a bank or branch bank fails to redeem its circulation at the counter of the clearing house, to close the said bank or branch bank in the manner now provided by law. Some of these measures are exclusively within the competency of the General Assembly, others may require the assent of the companies. I will not believe that measures so just and necessary will meet with opposition from them. It is due to the people of the State, who have so liberally extended a helping hand to the roads, and such liberal charters to the banks, as well as to the character of the stockholders of the companies, that no opposition shall be made to an arrangement so fair and equitable. That no more bonds should be issued and sold, at the present ruinous rates of discount, I presume will hardly be doubted

by any one. The recent sacrifices of them in the eastern market, when it is known everywhere that our resources are ample, and our character without a blemish, it seems to me, are sufficient to satisfy the whole community that this should be our line of policy. The levy of a tax to provide for the payment of the interest of State bonds, is absolutely indispensable to protect the credit of the State, whatever may be the future policy of the Government and the companies in the further prosecution of the work. In the present embarrassed condition of the finances of the country, the ability of the companies to meet the interest may be doubted by capitalists, but with the fund proposed to be set apart, confidence will be inspired.

That the State should have a representation in the boards of directory in proportion to the amount of bonds issued or to be issued, I am very certain is not only just, but the only measure which can give satisfaction to the people. None of the private stockholders in these enterprises would be willing to invest their means in any undertaking, in the management of which they could have no voice. The people of the State should exercise this common prudence, and there is no ground for finding fault with them for it. Recent occurrences have warned us of the imprudence and folly of permitting our bonds to be hawked about and sold at ruinous rates of discount. Arming the Board of Public Works with additional powers, whilst it will inspire more public confidence, cannot be objectionable to the parties interested in the roads.

The measures recommended in relation to our banking system are such as are believed to have proven beneficial in other states, where the experiment has been tried. Our banking system is in its incipency, and we cannot be too cautious in surrounding it with all the safeguards suggested by the experiences of the past, or the exigencies of the present. *In all contingencies, and under all circumstances, a specie basis must be maintained.* Unless this can be accomplished, it will be better to dispense with such institutions altogether, and to rely exclusively upon the

operations of the known laws of supply and demand. It is feared that the embarrassments and alarm now prevalent, will induce many of our citizens to insist upon temporary legislative expedients, as palliatives of distress. All experience has proven that such legislation can only ultimate in the *production if far greater difficulties than those it is intended to alleviate*. I cannot, therefore, recommend any interference with the obligations now existing between our citizens. The evils will cure themselves, much sooner, if left to the progress of events.

As a matter of public and permanent policy, however, the present is a most auspicious time to revise and amend the laws relative to the rights and duties of brokers and private bankers. In point of fact, they exercise the influence of public institutions, and should be vigilantly guarded. I am impressed with the opinion that when they suspend payment for any reason whatever, their assets should be placed in the hands of a trustee, to be equitably distributed amongst their creditors. This I believe would be an effectual check, and I know of nothing short of it which will.

The measures indicated are such as present themselves to my mind from a general review of our situation and circumstances.

The attention of the Board of Public Works has been called to the financial condition of the railroad companies, to the grade and manner of the construction, and their general condition. It is believed they will have their report ready in due time, to which I invite your special attention.

I have no reason to believe that the legislation herein recommended, will prove to be unacceptable to the railroad companies, or to those interested in the banks.

I believe the people of our capital city, as well as the people of the State, will cordially approve of them.

There must be, on the part of the Legislature, prudence, discretion and forbearance; and on the part of the companies a hearty acquiescence in what is deemed essential to the preservation of the public credit. If all concerned will act

in a just, conciliatory and forbearing spirit, all will be well.

If the railroad companies shall fail to give their assent to propositions so necessary as these recommended, or shall fail to comply with the existing laws, it will become the duty of the Executive to enforce the lien, and dispose of the roads to the highest bidder. In that event I respectfully suggest that it will be sound policy to authorize him to receive in payment the bonds of the State. Our first duty is to the people of the State; we cannot sacrifice their rights and interests without a dishonorable dereliction of our plain sworn duty. Whatever we can do consistently with this paramount obligation, we ought to do, and in the most just and liberal spirit.

The act to regulate banks and banking, and to create the office of Bank Commissioner, required the Governor to subscribe one million of dollars to the capital stock of the bank of the State of Missouri, on the part of the State. As soon as said bank went into operation, under the provisions of the above law, this subscription was made, and payment was made on account of said subscription to the amount of nine hundred and sixty-three thousand four hundred and ninety dollars and ten cents, that being the amount of the funds referred to, and required to be thus invested. The residue of the million, it is confidently believed, can be made up from the credits to which the State will be entitled upon a final liquidation of the affairs of the old bank.

I deem it proper to call your attention to the amount of bonds authorized to be issued to the several railroad companies. The amount issued to each, up to the 13th of October, 1857, and the balance due each on that day:

PACIFIC RAILROAD COMPANY—

Amount authorized.....	\$7,000,000
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“ issued.....	6,380,000
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Balance due.. ..	\$ 620,000
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## PACIFIC RAILROAD COMPANY, (South-West Branch.)

Amount authorized..... \$4,500,000

" issued..... 700,000

Balance due ..... \$3,800,000

HANNIBAL AND ST. JOSEPH RAILROAD  
COMPANY—

Amount authorized..... \$3,000,000

" issued..... 3,000,000

## NORTH MISSOURI RAILROAD COMPANY—

Amount authorized..... \$5,500,000

" issued..... 3,150,000

Balance due ..... \$2,350,000

ST. LOUIS AND IRON MOUN-  
TAIN RAILROAD COMPANY—

Amount authorized..... \$3,600,000

" issued..... 2,600,000

Balance due..... \$1,000,000

## CAIRO AND FULTON RAILROAD COMPANY—

Amount authorized..... \$ 650,000

" issued..... 100,000

Balance due ..... \$ 550,000

## PLATTE COUNTY RAILROAD COMPANY—

Amount authorized..... \$ 700,000

Total amount authorized.... 24,950,000

Total amount issued..... 15,930,000

Balance due ..... \$9,020,000

The foregoing is all that I deem it necessary to call your attention to at the present time, and I indulge the hope that the recommendations made, will meet your approbation, and be acceptable to the people of the State.

Very respectfully,

Your obedient servant,

H. JACKSON.



## VETO MESSAGE

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### TO THE SENATE

MARCH 2, 1857

*From the Journal of the Senate, pp. 402-403*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 2, 1857.

*To the Honorable the Senate:*

Gentlemen—A bill entitled, “An act for the relief of William C. Parmer, of St. Francois county,” has been presented to me, for my approval; and, having given it the consideration due from the Executive to the act of the Legislative Departments, herewith respectfully return with my objections.

The first section of article nine, of the Amendments to the Constitution, declares that the Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law; provided, that such laws be general and uniform in their operation throughout the State.

The proviso to this clause, although permissive in its terms, can have no effect in accomplishing the objects of the permission, unless it means to negative, as it obviously does, the power to pass laws, upon the subject of divorces, other than such as are general and uniform in their operation; and unless it be regarded as inhibiting such power, when not exercised under the restrictions contained in the clause by which it is conferred.

Prior to the adoption of this amendment to the Constitution, the Supreme Court of this State had adjudged Legislative divorces to be unconstitutional and invalid, because they involved the exercise of judicial power, impaired the obligation of contracts, and were retrospective in their operation. The frequent exercise of this power, by subsequent Legislatures, notwithstanding the decision referred to, in-

duced the expressed constitutional prohibition already quoted, coupled with a like prohibition to pass laws conferring the power upon the courts to grant divorces, except under certain restrictions; although the bill presented to me does not grant a divorce directly, yet it is a bill for the benefit of a particular person—authorizing the court to grant a divorce in a special case, and, for this purpose, so far repeals, or changes, the general law concerning divorces, as to authorize a suit by this party, short of the period of desertion, therein required as a ground for such proceedings, and whoever repeals the general law, in so far as it prescribes special proceedings to obtain the redress sought by the act.

Passing by other objections that might be well taken, it is conceived that the one stated will make apparent the propriety of holding my sanction from the bill.

Respectfully,

H. JACKSON.

## SPECIAL MESSAGES

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### TO THE SENATE

MARCH 2, 1857

*From the Journal of the Senate, p. 408*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 2, 1857.

*To the President of the Senate:*

I hereby nominate to the Senate George S. Drake, for the office of Trustee of the Institution for the Education of the Blind, in the city of St. Louis, and respectfully ask the concurrence of the Senate in the same.

Very respectfully,  
H. JACKSON.

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### TO THE SENATE

MARCH 2, 1857

*From the Journal of the Senate, p. 408*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 2, 1857.

*To the President of the Senate:*

I hereby nominate, to the office of Bank Commissioner, Mr. Claiborne F. Jackson, of Saline County. I also nominate, for the office of Assistant Bank Commissioner, Dr. George Penn, of St. Louis county, and ask that the Senate confirm the same.

Respectfully,  
H. JACKSON.

## TO THE SENATE

MARCH 4, 1857

*From the Journal of the Senate, pp. 427-428*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 4, 1857.

*To the Honorable, the Senate:*

Gentlemen—I have received a resolution of your body requesting me to return to the House of Representatives a certain bill recently passed both Houses, entitled, “an act to make the officers of public administrator and commissioner, in certain counties, elective.”

The preamble to the resolution recites the action of the Senate, in calling upon the House to return the bill and its non-compliance; and concludes by requesting the Governor not to approve said bill, but to return it to the same House, in which it originated, until such request of the Senate be complied with. The resolution is predicated upon the ground, that, under the circumstances, due consideration was not given to said bill at its passage.

While it is conceded that hasty and inconsiderate legislation is a legitimate and proper cause for the interposition of the Executive, yet it is conceived that when an act of the General Assembly is arrested by the Executive for this cause, the internal evidence furnished by the measure itself, must be the guide, in exercising his discretion, and not any subsequent action of one body in reference to the subject, however deliberate the expression may be, by resolution or otherwise.

The constitution provides “that every bill which shall have been passed by both Houses of the General Assembly shall, before it becomes a law, be presented to the Governor for his approbation. If he approve he shall sign it, if not he shall return it with his objections, to the House in which it originated.”

This bill appears to have passed both Houses, according to the requirements and forms of the Constitution and Laws,

and to be duly and regularly authenticated by the signatures of the presiding officers of each House; and being thus presented to the Executive, it is incumbent upon him, if he acts upon it at all, either to approve it or return it with his objections.

If the bill be not approved he cannot signify his disapprobation by returning it to the House, for the purpose contemplated by your resolution. For the foregoing reasons, I cannot, consistently with a sense of official duty, comply with the resolution.

Very respectfully,  
Your obedient servant,  
H. JACKSON.

## PROCLAMATIONS

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### ON SPECIAL ELECTION TO FILL A VACANCY IN THE OFFICE OF GOVERNOR

APRIL 17, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 214*

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*To the Sheriff of . . . . . County—Greeting:*

You are hereby commanded to cause an election to be held at the Several places of holding elections in the County of . . . . . on Monday, the third day of August, A. D. Eighteen hundred and fifty-seven, for the purpose of electing a Governor of the State of Missouri, to fill the vacancy in said office, occassioned by the resignation of Trusten Polk and you are further commanded to give notice thereof accordingly.

In Witness Whereof, I have hereunto set my hand and caused to be fixed, the Great Seal of the  
(SEAL) State of Missouri. Done at the City of Jefferson this 17th day of April, in the year of our Lord one thousand eight hundred and fifty-seven.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

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### FIXING DATE FOR ELECTION OF A STATE SENATOR

MAY 12, 1857.

*From the Register of Civil Proceedings, 1852-1860, p. 217*

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*To the Sheriff of the County of Green—Greeting:*

WHEREAS in consequence of the resignation of W. C. Price a vacancy exists in the Senate of the State of Mis-

souri of the Nineteenth General Assembly from the Twenty-seventh Senatorial District, NOW, THEREFORE I, H. JACKSON, Governor of the State of Missouri do hereby direct and command that you cause an election to be held on Monday the third day of August next at the respective places of holding elections in the several counties composing said district, towit: The counties of Green, Dallas, Wright, Ozark and Webster for the election of a senator to fill the vacancy aforesaid, and that you give twenty days notice of such election according to law. You are further commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of  
(SEAL) Jefferson this 12th day of May A. D. 1857.  
Of the Independence of the United States the Eighty-first, and of the State of Missouri the Thirty sixth.

By the Governor

H. JACKSON.

B. F. MASSEY.

Secretary of State.

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### FIXING DATE FOR ELECTION OF A REPRESENTATIVE TO CONGRESS

MAY 12, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 218*

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*To the Sheriff of . . . . . County—Greeting:*

WHEREAS a vacancy exists in the office of Representative from the Third Congressional District, in the State of Missouri, in the thirty-fifth Congress of the United States, in consequence of the resignation of James S. Green: NOW, ~~T~~HEREFORE, I H. JACKSON, Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on *Monday, the third day of August next*, at the several places of holding elections in—

County for the election of a representative from said district in the thirty fifth Congress, to fill the vacancy aforesaid, and that you give twenty days notice thereof, according to law. You are further commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of  
(SEAL) Jefferson, this 12th day of May A. D. 1857. of the Independence of the United States the Eighty-first and of the State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY.

Sec'y. of State.

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*FIXING DATE FOR ELECTION OF A  
STATE SENATOR*

MAY 19, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 219*

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*To the Sheriff of Adair County—Greeting:*

WHEREAS, in consequence of the resignation of John F. Minor, a vacancy exists in the Senate of the State of Missouri, of the nineteenth General Assembly from the fourth Senatorial District, Now, THEREFORE I, H. JACKSON, Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on Monday, the third day of August next at the respective places of holding elections in the several counties composing said district to wit: The counties of Adair, Knox, Scotland, Schuyler, Putnam and Sullivan for the election of a senator to fill the vacancy aforesaid and that you give twenty days notice of such election according to law. You are furthermore commanded to certify to me the execution of this writ.



In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this nineteenth day of May A. D. 1857, of the Independence of the United States the Eighty first and of the State of Missouri the thirty sixth.

By the Governor

H. JACKSON.

B. F. MASSEY.

Sec'y. of State.

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FIXING DATE FOR ELECTION OF A  
STATE SENATOR

MAY 26, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 221*

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*To the Sheriff of Platte County, Greeting:*

WHEREAS, in consequence of the resignation of A. M. Robinson a vacancy exists in the Senate of the State of Missouri of the nineteenth General Assembly from the eighth Senatorial District.

NOW, THEREFORE, I, H. JACKSON, Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on Monday, the third day of August next at the respective places for holding elections in the several counties composing said district, to-wit: The Counties of Platte and Clay, for the election of a Senator to fill the vacancy aforesaid, and that you give twenty days notice thereof according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and affixed the great seal of the State of Missouri.

Done at the City of Jefferson this twenty-sixth day of May A. D. 1857. Of the Independence

of the United States the Eighty-first and of the  
State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

MAY 26, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 222*

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*To the Sheriff of McDonald County, Greeting:*

WHEREAS, in consequence of the death of Thomas Jones a vacancy exists in the House of Representatives of the Nineteenth General Assembly of the State of Missouri from the County of McDonald. Now THEREFORE I H. JACKSON, Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on Monday, the third day of August next, at the respective places of holding elections in the county of McDonald for the election of a Representative to fill the vacancy aforesaid, and that you give twenty days notice of such election according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri.

L. S. Done at the City of Jefferson this 26th day of May A. D. 1857, of the Independence of the United States the Eighty-first and of the State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

MAY 26, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 222*

---

*To the Sheriff of Macon County, Greeting:*

WHEREAS, in consequence of the resignation of A. L. Gillstrap a vacancy exists in the House of Representatives of the nineteenth General Assembly of the State of Missouri, from the County of Macon, NOW THEREFORE I, H. JACKSON Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on Monday, the third day of August next, at the respective places of holding elections in the County of Macon, for the election of a representative to fill the vacancy aforesaid, and that you give twenty days notice of such election according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of Missouri. Done at the City of Jefferson this 26th

L. S. day of May A. D. 1857, of the Independence of the United States the Eighty-first and of the State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

MAY 26, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 223*

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*To the Sheriff of Sullivan County, Greeting:*

WHEREAS, in consequence of the resignation of R. D. Horrison a vacancy exists in the House of Representatives

of the State of Missouri, and Nineteenth General Assembly from the County of Sullivan. NOW THEREFORE, I H. JACKSON Governor of the State of Missouri do hereby direct and command that you cause an election to be held on Monday the third day of August next, at the respective places of holding elections in the County of Sullivan for the election of a Representative to fill the vacancy aforesaid and that you give twenty days notice of such election according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 26th day of May A. D. 1857 of the Independence of the United States the Eighty-first and of the State of Missouri, the thirty-sixth.

By the Governor  
B. F. MASSEY

H. JACKSON.

Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

MAY 26, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 223*

---

*To the Sheriff of Vernon County, Greeting:*

WHEREAS, in consequence of the resignation of J. N. B. Dodson a vacancy exists in the House of Representatives of the State of Missouri of the Nineteenth General Assembly, from the County of Vernon: NOW, THEREFORE, I H. JACKSON Governor of the State of Missouri, do hereby direct and command that you cause an election to be held on Monday the third day of August next, at the respective places of holding elections in the County of Vernon, for the

election of a Representative to fill the vacancy aforesaid, and that you give twenty days notice of such election according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the Great Seal of the State of Missouri.

Done at the City of Jefferson, this 26th day of May A. D. 1857, of the Independence of the United States the Eighty-first and of the State of Missouri, the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE SENATOR*

JUNE 22, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 227*

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*To the Sheriff of Buchanan County: Greeting:*

WHEREAS, in consequence of the resignation of Robert M. Stewart a vacancy exists in the Senate of the State of Missouri of the Nineteenth General Assembly from the Seventh Senatorial district.

NOW THEREFORE, I H. JACKSON Governor of the State of Missouri do hereby direct and command that you cause an election to be held on Monday the third day of August next, at the respective places of holding elections in the several counties composing said district to wit: The Counties of Buchanan, DeKalb and Gentry for the election of a Senator to fill the vacancy aforesaid, and that you give twenty days notice thereof according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the state of Missouri. Done at the City of Jefferson this 22nd day of June A. D. 1857, of the Independence of the United States the Eighty-first and of the State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

JUNE 22, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 227*

---

*To the Sheriff of Bollinger County, Greeting:*

Having received satisfactory of the death of Aron Snyder late Representative in the Legislature from the county of Bollinger which has caused a vacancy in the House of Representatives of the General Assembly of the State of Missouri.

NOW THEREFORE I, H. JACKSON Governor of the State of Missouri do hereby direct and command that you cause an election to be held on Monday the third day of August next, at the several places of holding elections in said county for the election of a Representative to fill the aforesaid vacancy, and that you give not less than ten days notice of said election.

You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great seal  
L. S. of the State of Missouri. Done at the City of Jefferson this 22nd day of June A. D. 1857.

By the Governor

H. JACKSON.

B. F. MASSEY

Sec'y. of State.

## OFFERING A REWARD

JULY 14, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 231*

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WHEREAS, it has been represented to me, that Charles Blackwell, did on the 30th day of June A. D. 1857 murder, Patrick Gallaher and Robert Karney in the County of Franklin, State of Missouri, and WHEREAS it is further represented to me that the said Charles Blackwell has fled from justice and is now going at large, to the great detriment of the peace, good order and dignity of the State, NOW THEREFORE I, HANCOCK JACKSON Governor of the State of Missouri do by this my Public Proclamation offer a reward of three hundred dollars for the arrest and delivery of the said Charles Blackwell to the sheriff of St. Louis County Missouri.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the great seal of  
(SEAL) the State of Missouri. Done at the Office of the Secretary of State in the City of Jefferson this 14th day of July A. D. 1857.

By the Governor HANCOCK JACKSON.

B. F. MASSEY

Secretary of State.

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## OFFERING A REWARD

JULY 15, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 231*

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WHEREAS it has been represented to me that a certain negro boy named George did on the 1st day of July 1857 murder Amanda Davis in Monroe County State of Missouri, and WHEREAS it is further represented to me that the said boy George has fled from justice and is now going at large, to the great detriment of the peace, good order and dignity of

the State. Now THEREFORE I HANCOCK JACKSON, Governor of the State of Missouri do by this my public Proclamation offer a reward of three hundred dollars for the arrest and delivery of the said negro boy George to the Sheriff of Monroe County Missouri.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the office of the Secretary of State in the city of Jefferson this 15th day of July A. D., 1857.

By the Governor HANCOCK JACKSON.  
B. F. MASSEY  
Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

JULY 17, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 232*

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*To the Sheriff of St. Louis County, Greeting:*

WHEREAS, in consequence of the resignation of Henry A. Colda a vacancy exists in the House of representatives of the Nineteenth General Assembly of the State of Missouri: Now THEREFORE I HANCOCK JACKSON Governor of the State of Missouri do hereby direct and command that you cause an election be held on Monday the third day of August next at the respective places of holding elections in the County of St. Louis, for the election of a Representative to fill the vacancy aforesaid, and that you give ten days notice of such election according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of



(L. S.) Jefferson this seventeenth day of July A. D. 1857 of the Independence of the United States the Eighty-second and of the State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Secretary of State.

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*FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE*

JULY 18, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 232-233*

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*To the Sheriff of Perry County, Greeting:*

WHEREAS in consequence of the death of William McCombs a vacancy exists in the House of Representatives of the Nineteenth General Assembly of the State of Missouri, from the County of Perry, NOW THEREFORE I HANCOCK JACKSON Governor of the State of Missouri do hereby direct and command that you cause an election to be held on Monday the third day of August next at the respective places of holding elections in the County of Perry, for the election of a Representative to fill the vacancy aforesaid, and that you give eight days notice of such election according to law.

You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of

(L. S.) Jefferson this 18th day of July A. D. 1857, of Independence of the United States the Eighty-second and of the State of Missouri the thirty-sixth.

By the Governor

HANCOCK JACKSON.

B. F. MASSEY

Secretary of State.

**FIXING DATE FOR ELECTION OF A  
STATE REPRESENTATIVE**

JULY 20, 1857

*From the Register of Civil Proceedings, 1852-1860, pp. 233-234*

*To the Sheriff of Washington County, Greeting:*

WHEREAS, in consequence of the resignation of John Ally a vacancy exists in the House of Representatives of the Nineteenth General Assembly of the State of Missouri from the County of Washington. NOW THEREFORE I HANCOCK JACKSON Governor of the State of Missouri do hereby direct and command that you cause an election to be held on Monday the 3rd day of August next at the respective places of holding elections in the County of Washington for the election of a Representative to fill the vacancy aforesaid, and that you give not less than five days notice thereof according to law. You are furthermore commanded to certify to me the execution of this writ.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of  
(L. S.) Jefferson this 20th day of July A. D. 1857, of the Independence of the United States the Eighty-second, and of the State of Missouri, the thirty-sixth.

By the Governor

HANCOCK JACKSON.

B. F. MASSEY

Sec'y. of State.

**ON THE WESTERN MARINE AND FIRE  
INSURANCE OF ST. LOUIS**

AUGUST 1, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 235*

I H. JACKSON Governor of the State of Missouri do by this my proclamation make known that application has been made to the "Western Marine and fire Insurance of

St. Louis" a company incorporated by an act of the General Assembly approved February 28, 1857, for insurance against loss or damage by fire to the amount of fifty thousand dollars, at least, and that notice thereof has been given by the President and Secretary of said Company in conformity with said act.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of  
(SEAL) Jefferson this first day of August in the year of our Lord Eighteen hundred and fifty-seven of the Independence of the United States the Eighty-second and of the State of Missouri the thirty-sixth.

By the Governor

H. JACKSON.

B. F. MASSEY

Sec'y. of State.

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### ON ELECTION RETURNS

AUGUST 29, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 241*

I, H. JACKSON Governor of the State of Missouri, hereby certify that a special election held in conformity to law, in the third congressional district of the State aforesaid to elect a Representative for said district, in the thirty-fifth Congress of the United States of America, Genl. John B. Clark having received the highest number of votes is elected to represent said district, Said election being to fill the vacancy caused by the resignation of the Hon. Jas. S. Green.

Given under my hand and the Great Seal of the State of Missouri, this 29th day of August A. D.  
(SEAL) 1857. Of the Independence of the United States the Eighty-second and of the State of Missouri the thirty-seventh.

By the Governor

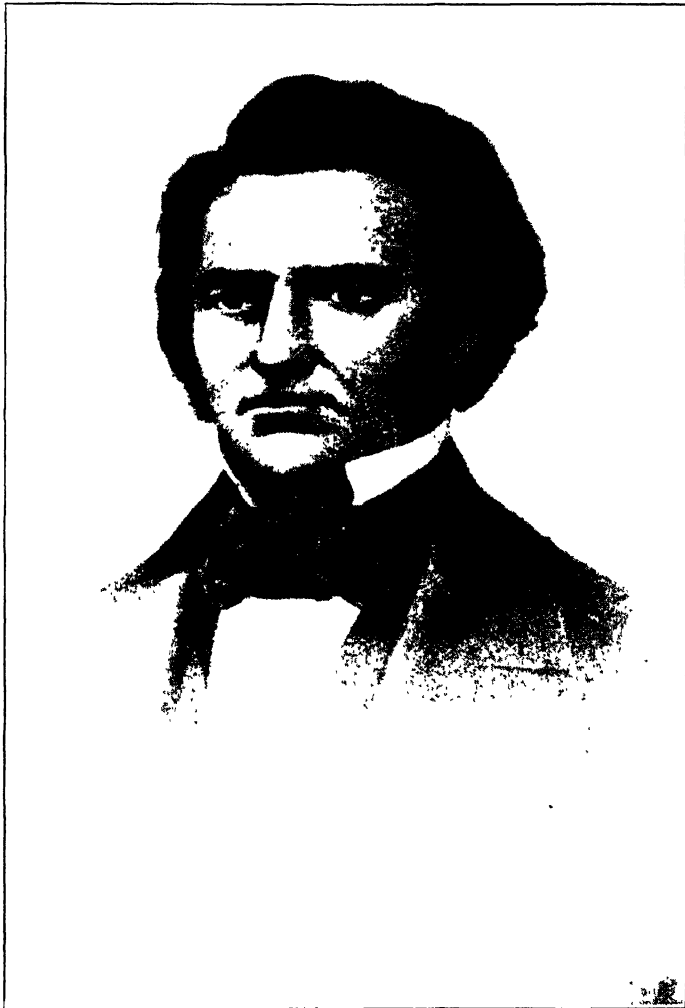
H. JACKSON.

B. F. MASSEY

Secretary of State.

**GOVERNOR ROBERT MARCELLUS STEWART**





ROBERT M. STEWART  
GOVERNOR 1857-1861



## ROBERT M. STEWART

BY CHRIS L. RUTT

Robert Marcellus Stewart was an extraordinary man, who fitted peculiarly into the conditions which obtained during the early days of Missouri. There was a call in those times for intellect, for courage, and for idealism. Stewart had such qualities. He was, indeed, a prophet—a prophet of progress, whose prescience envisioned the events of a century ahead and who gave timely inspiration to the pioneers of development.

Born in Truxton, Courtland county, N. Y., on March 12, 1815, Stewart received an academic education and for three years, from the age of seventeen to twenty-one, he taught school part of each year, devoting the other time to the study of law. In 1837 he went to Louisville, Ky., where he practiced law and did newspaper work until the fall of 1838, when he went to St. Charles, Mo., making his way as best he could without money, working on steamboats, and at odd jobs. In 1839 he wandered up the Missouri river until he came to Buchanan county, where he located in the village of Bloomington, now DeKalb, and opened a law office. When the county seat moved from Sparta to St. Joseph, he located at that point. All the while he took an active interest in politics and in every movement for the advancement and prosperity of the country. In 1845 he was selected a delegate to the constitutional convention. His fine talent and good judgment gave him a prominent position in that body. In 1846 he was elected to the State Senate and served as senator until 1857. Meanwhile Stewart had been active in various ways at home. In 1847 he raised a company for the "Oregon Battalion." He went as a captain as far as Fort Kearney, but was compelled to return on account of illness. In 1848 he was appointed register of lands at Savannah, but resigned in a short time to engage



in the preliminary survey of the Hannibal and St. Joseph railway.

The pro-slavery party announced that the opening of the Kansas-Nebraska territory would never be consented to until the restriction against slavery north of the southern state line of Missouri extended west, known as the Missouri Compromise, was repealed. St. Joseph at that time had many people who wanted to get homes in the new territory. They never owned a slave and never expected to. Each family of emigrants wanted to acquire a homestead. The convention at St. Joseph, in September, 1853, and all the meetings leading up to it opposed the pro-slavery demand for repeal of the Compromise. The *St. Joseph Gazette*, then edited by a man who eight years later went into the Confederate army, L. J. Eastin, opposed the agitation for repeal, and said in an editorial of Aug. 7, 1853: "If the Compromise is repealed, one of two things will happen; the dissolution of the Union, or the abolition of slavery." This was only a few months before Douglas reported the Kansas-Nebraska Bill, which divided in two territories the proposed "Territory of the Platte", consisting of what is now Kansas and Nebraska and part of Colorado. From thence until '61 the slavery question was red hot in this state, as well as all over the country. Throughout this period Stewart was a member of the State Senate and while there is nothing to show he said anything offensive to either side, he always "trained" with the regular portion of the Democratic party, which opposed and defeated Benton.

When Stewart entered the Senate in 1845 a member who should vote for the expenditure of public money for state improvements would not be able to visit his constituents again. But Stewart cared nothing for such sentiments. His legislative career was devoted to public improvements and state aid to them. He was the father of the Hannibal and St. Joseph Railway enterprise, and lived to see it in operation. It was designed as a part of the Pacific railway system and promised to put St. Joseph on the main line, but incidents at the beginning of the Civil War, occurring

there, furnished ground for Atchison and Omaha to denounce St. Joseph as a "Rebel Hole," and bar all favors from Congress in the immediate post-war days.

Stewart led the way for public improvements, and, even in his very last days, was appealed to as the personification of public aid for the creation of public utilities. His last appearance was in support of the bond election at which St. Joseph voted \$500,000 aid to the bridge over the Missouri river.

Service in the senate gave Stewart a state wide reputation, and when Governor Polk was elected to the United State Senate, in 1857, an election had to be called to choose his successor, at which Stewart was the Democratic candidate and James S. Rollins the opposition. For many days it was assumed Rollins had been elected; at first by a large but later by a dwindling majority. At last the returns from the country beyond the Ozarks overcame Rollins' lead and elected Stewart by a few hundred.

Stewart was an "Unconditional Union" man. In the hazardous period from Lincoln's election to his inauguration Stewart's term expired. He conducted affairs with great tact, and showed much of Lincoln's ability to calm the public mind and to avoid thinking too far ahead of the common people.

The foremost Union man in those days in northwest Missouri was Senator Robert Wilson, of Andrew county. After the call for the State Convention by the act of January, 1861, Wilson called a meeting at the house of his son-in-law, Rufus L. McDonald, near St. Joseph, of leading men of this part of the state. Stewart, Hall, Trindall, McPherrin, Vories, Woodson, Singleton, and others were there. Wilson fully outlined the situation and the purpose of many pretending to be for the Union, whose pretensions subsequent events showed he correctly divined, and proposed to stand by the Union, and all present agreed with him and complied with his request to return home and stand for election as delegates to the Convention, and all who became candidates were elected, except Singleton. This

meeting probably did much to save northwest Missouri from secession.

Stewart was very pronounced in his attitude in the Convention. He used the term *traitor* very often, and arraigned one member for what he called treasonable conduct. He advocated "fighting the devil with fire" by retaliating on the "bushwhackers" through authorized guerrilla warfare.

The attitude the Convention wanted to take, through the month of March, 1861, was that of conciliator between the northern and seceding states. The Fifth resolution reported by the committee on Federal Relations besought North and South not to take up arms, but to listen to the appeal of the border states, to find some means of adjustment without war. The "Moss Amendment" declared that in case of war, Missouri would not furnish men or money to fight the seceding states. This tried out the members and on a final vote the convention stood 30 for and 56 against the amendment. The next test was on the motion to postpone consideration of Henderson's report until December. That report was an argument against the right of secession and a marshalling of the reasons why Missouri should stand by the Union and support Lincoln's determination to maintain the national government throughout all the states. Stewart was taking a firm stand and his best speech was in opposition to postponement. But Ft. Sumpter had not been fired upon, and the majority, feeling or pretending to feel, conciliation was not hopeless, voted to lay the report over until December.

There are many anecdotes of this singular and eccentric man. It is related, for example, that his first act as governor was the pardoning of "Bill" Langston, who had been sent to the penitentiary from St. Joseph. Langston had befriended Stewart. Calling to Langston, who was digging a well, he commanded him to get out of the penitentiary forthwith, bought him a new suit of clothing, and sent him home.

It is also related that Stewart "got even" with a man who had been the mate on a steamboat on which Stewart

was working his way up the Missouri river as a roustabout. Stewart did not work to suit the brutal mate and was kicked off the gangplank. When Governor Stewart learned that this former mate was in the penitentiary he had him brought to the warden's office, reminded him of his brutal conduct as mate, and declared that he was not good enough to be in the penitentiary. Handing the ex-mate his pardon, Stewart kicked him out.

Another time, as the story goes, he made the rounds of the penitentiary and asked various convicts whether or not they were guilty. All save one said they were innocent. To the one who pleaded guilty Stewart promptly issued a pardon, saying that he did not want a self-confessed criminal to be in association with so many innocent men, fearing that they might be contaminated.

Stewart was a bachelor. He was a tall, sparely built man, who wore his hair long and who, when dressed up, presented a noble figure. But he was inclined to slovenliness and rarely appeared to good advantage. He was much beloved and much pitied.

Stewart was a stranger to thrift. In company with two relatives, he acquired twenty acres of land on what is now known as High School Hill, St. Joseph, and platted Stewart's Addition. This property was mortgaged, and sold on foreclosure during the war. There was much litigation and Stewart carried his case to the Supreme Court, where it was remanded, but, finally, decided against the governor.

The shadows lengthened early for Stewart and while others of his age were yet in the prime of life. During his last days he spent much of his time with Langston, whom he had pardoned from the penitentiary. It was a sorry and most incompatible companionship.

Stewart died in St. Joseph at the home of relatives, on September 21, 1874, in the fifty-seventh year of his age. He was given a large funeral with many sincere mourners and an honorable sepulcher in Mount Mora Cemetery. In 1892 the State of Missouri, by legislative appropriation, erected to his memory a granite shaft which simply recites the years

of his birth and death and his terms of service as state senator and governor. There should be added to the inscription his constructive achievements and service to country and the public.

## INAUGURAL ADDRESS

OCTOBER 22, 1857

*From the Journal of the Senate, pp. 18-25*

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*Fellow Citizens, and Gentlemen of the Senate, and House of Representatives:*

I have been called by the people, in accordance with the form of the Constitution, to preside over the Executive Department of the State. I enter upon the discharge of the duties thus imposed upon me with great distrust of my own ability and experience, but with a firm determination, under a sense of my responsibilities, to do everything in my power to promote the prosperity of the Commonwealth and the happiness and welfare of the people.

Respect for my own character, and a sentiment of deference to public opinion, alike impel me to declare frankly and explicitly the principles by which I shall be governed.

Our relations as a State are two-fold, federal and local; and these respectively secure to us distinct rights, and impose upon us distinct duties. As a member of the Confederacy, we, in our organized sovereign capacity, are a party to the Constitution, co-equal with our sister States in power, equally entitled to all the benefits derivable from national legislation, and to the protection of the central Government. On the other hand, we are under equal obligation to sustain the Federal Government in the exercise of the powers conferred upon it, and to uphold and maintain the Constitution as the *only legal bond of union*.

All just government is designed alone for the protection of rights, and is the result of experience and compromise. There are abstract rights to be protected, but no reliable, abstract principles applicable to the formation of governments. These are to be deduced practically from an experience of the character of a people, the climate in which they live, the products of labor, and the direction con-

sequently given to their agricultural, mechanical, manufacturing and commercial enterprises.

It was under a due sense and appreciation of these important facts that our fathers framed the Federal Constitution. Our people were spread over several degrees of latitude and longitude; and their character and sentiments were modified by origin, climate, natural resources and pursuits; and these again introduced, and caused to be maintained, a variety of institutions, each peculiar to its own locality, and adapted, respectively, to the internal prosperity thereof. In the formation of the Constitution it was therefore obvious that no one State, or section, could justly expect to have all its important provisions conform, exclusively, to its own peculiar ideas. Hence, "in order to form a more perfect union, establish justice, insure tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to *all*," the principle of compromise was rendered necessary. It was that principle alone which enabled the Convention to unite in the adoption of an instrument which, while it secures us from the dangers of foreign interference and internal discord, guarantees to us the integrity and sovereignty of our State governments, and the sacred rights of liberty and property.

Without the compromises of the Constitution, we all know that instrument could never have been adopted. They are just to the North and to the South, to the East and to the West—to each of the States, considered as a single community, and to all considered as a federal community. They were adopted by those who had every incentive to be honest, firm and patriotic; who were entrusted with the performance of that duty by communities which had experienced the advantages of liberty and the members of which had shed their blood in its defense. The angry strifes of parties, and the treacheries of factions had not then arisen; and there were no other motives to impel to a union than those of duty, and a just sense of its advantages.

These compromises, then, constitute the corner stone

of the federal compact, which cannot be disturbed without destroying the whole super-structure. The domestic institutions of all the States are recognized and protected by them. The absolute and inalienable right of the people of the Territories, under the Federal Constitution, to organize their social communities with such institutions as they may deem best for the promotion of their own welfare, is recognized by them. They are interwoven with every ligament of our general and State organizations, and those who propose to destroy them are dead to every sentiment of patriotism, and recreant to every suggestion of duty and honor. Traitors alike to the Constitution, the Union, and the cause of human liberty and progress, they deserve the execration of the present, and will merit the maledictions of future generations.

In the great battle of the Revolution, men of the North and of the South fought side by side; and they were encouraged, assisted and emulated by thousands from foreign lands, who valued the blessings of freedom the more highly, because they had experienced the evils of despotism. All were *then* regarded as fairly entitled to a full share of the fruits of the victory. In the formation of the Constitution the rights of all, regardless of birth or location, were recognized.

In a free government the existence of parties is to be expected. They are, indeed, necessary to its preservation; and so long as parties confine themselves within the limits of the Constitution, no danger is to be apprehended from them. But when they are organized upon principles incompatible with, or repugnant to it, they are traitorous, seditious and revolutionary. Unhappily for the peace and progress of the country, factions have been organized during the last few years, designed for, or tending to, the overthrow of the Constitution, and the destruction of the Union. More recently, all these fomenting elements have coalesced into two factions, one of which professes to be animated by a deep reverence for American institutions, and a hatred for religious domination; and the other, by a fervent devotion to abstract liberty. Like all other factions, their governing



principles are directly antagonistic to the ends they propose to accomplish. The first of these factions, under pretense of respect for the dignity of American citizenship, and regard for the rights of conscience, proposes to disfranchise and reduce to political and social inferiority, all of those who happen to have been born in a foreign land, and to persecute, proscribe and reduce to political degradation all who do not concur in its notions of what liberty of conscience is. The other, whilst professedly striving for the elevation of the black race, would, if successful, reduce millions of the white race to servile dependence upon wealth and power—a condition far more humiliating than that of domestic servitude.

The sincerity of the leaders of these factions may well be questioned, since, although their principles are, in several respects, in conflict, they generally coalesce when they have hopes of thereby elevating themselves to office and power.

Against these, and all the other factions, under various names, which have sought to subvert the principles of our Government, the National party of the Union has always warred. It did so when, under the lead of Mr. Jefferson, it obliterated from our Statute book the alien and sedition laws. It did so when traitors organized to cripple the country, during the war of 1812. And it does so now, when it is evident that there is in process of formation, a coalition of the dangerous and treasonable elements of society for the destruction of social order and free institutions.

It was under the auspices of this great party that my name was placed before the people as a candidate for the exalted position to which I have been elected; and my official conduct will conform to its fundamental principles. From the acquaintance I have had with the people of the State for years past, I know that they are faithful to all the compromises of the Constitution, and opposed only to those who labor to destroy them. They love the Union. They are loyal to their own institutions; and while they will suffer no interference with them by others, they will abstain from interference with the institutions of our sister States. They

now understand the motives of those within our borders, who, under the specious name of Emancipation, seek to strike a fatal blow at the Constitution and the Union. They comprehend that we have amongst us a few of the corrupt instruments of slavery agitators of other states, who are only being used as the disturbers of our peace. They will not suffer themselves to be involved, by such instrumentalities, in the discussion of questions which can only retard our physical and moral progress, by deterring good men of other states and countries from making their homes amongst us.

Missouri has always occupied the same position with reference to the rights and equality of the States, and the limitations of federal power. In the sectional struggle connected with her admission into the Union, she announced in her solemn public act, doctrines which have finally received almost universal assent. During similar agitations since that time, the Executive and the General Assembly of this State have declared the sentiments of the people with reference to different attempts at federal usurpation and aggressive sectional agitation, ever expressing loyalty to the Constitution and the Union, but a firm determination to maintain her rights according to the true spirit of the fundamental law.

The latest form of assault upon the rights and equality of the States, has been with reference to the organization of territorial governments. The joint resolutions of our General Assembly in 1839, 1845, and 1849, and at various other periods, have asserted the doctrine that "The right to prohibit slavery in any Territory belongs exclusively to the people thereof, and can be only exercised by them in forming their constitution for a State government, or in their sovereign capacity as an independent State;" a proposition of which the President of the United States says: "It is a mystery how it could ever have been doubted."

These views have since been discussed in every State; they have been sanctioned by Congress in the recent Territorial enactments; by the Executive in his approval

and enforcement thereof, as well as in his messages; by the American people at the ballot-box last November, and finally by the Supreme Court of the United States. Thus, the views of Missouri, early advanced and persistently maintained, are now recognized and established constitutional maxims. Our devotion to the Union and our fraternal regard for the several members of the Confederacy, have been manifested by a faithful adherence to the Constitution and the unyielding maintenance of the reserved rights of the States.

It is to be regretted that the full settlement of the slavery question by every department of the Federal Government, and also by the people at the ballot-box, has not quieted all agitation; that any portion of the people, prompted by passion or prejudice, should have threatened resistance to the laws, proclaimed disorganizing and revolutionary sentiments, or assailed with vituperation, the august tribunal to whose judicial decision the question was finally submitted. And it is cause of special regret, that any number of citizens of this State, however small, should have become the instruments of scheming agitators elsewhere, who are evidently instigated by a determined hostility to our welfare. With a returning sense of duty, it is to be hoped that most of those who are now misled by mischievous and revolutionary ideas, will obey the requirements of patriotism, and that these few in our midst will cease to war upon the peace and prosperity of Missouri.

The same sectional spirit which in 1814 called into being a party opposed to the then existing war with Great Britain, gave utterance to its narrow and intolerant views in fierce denunciations of all the Slave-holding States, and in an attempted proscription of all immigrants seeking here an asylum from monarchical oppression. That party has ever since had its representatives in different States; sometimes warring upon the growth and prosperity of the Western States; sometimes forming factions to war upon the Slave-holding States, and at others promoting secret or open organizations for the proscription of naturalized citizens and the exclusion of white immigrants from that

position of political and social equality to which they are by natural laws entitled; never resting content with a discharge, in good faith of their duties to the whole community, as citizens of a common Union. Originally opposed to the democratic character of our government, and averse to popular power, they have always been vindictive in spirit and turbulent in action. And now they seem not to realize that there can be no true liberty save under the guidance of established laws.

At present, vague notions of negro equality are mingled with hatred to the white immigrant. With a pretended love for the black, is associated an effort to degrade the white laborer. While some are attempting to secure the emancipation of, and others to confer the right of suffrage upon, the negro, another faction would withhold that right from the white immigrant, the tendency of which would be to reduce the latter to social equality with the former, and give to the two races equal civil rights, or to the negro, political superiority. And all these co-operate in their opposition to Democratic principles—coalesce as a common enemy of the Democratic party.

It becomes the duty of every good citizen to repel the vile slander put into circulation by the enemies of our social system, that white labor is degraded in this State by the presence of African slavery. In no portion of the Union is the white laborer more respected, and in no section of our common country are greater inducements presented to the working man, in every department of honest industry, than in Missouri. Nowhere in the West is the honest and industrious immigrant more heartily welcomed than here. Whether from the work-shops or manufactories of New England, the collieries or foundries of Pennsylvania, the extended fields of Virginia, the small farms of the East, the broad plantations of the South, or the dense and overcrowded populations of the Eastern Continent—whether laborers, farmers, planters, mechanics, merchants, scholars or professional men, in coming amongst us, respecting our

rights and to obey and assist in the maintenance of our laws, they have met, and will continue to meet, with a hearty reception; and they have found, and will continue to find, themselves respected as much as in any other State in the Union. Statements of an opposite character evince the enmity of those who make them to the peace and prosperity of our State; and the tendency of their efforts is to repel the most worthy and conservative portion of those who are seeking homes in the West.

It is the interest of Missouri to invite immigration. We need an increase of productive genius and of productive labor. We have an extended area of territory yet to be brought into subjection. The development of our mineral resources is yet hardly commenced. Our manufacturing interests are yet in their infancy. We want an increase of capital in all these departments. We want the labor, the mechanical skill to direct it, and the commercial enterprise to facilitate the necessary exchange of commodities. It matters not to us whence it comes, if it brings with it moral worth and political integrity.

Ours is the central State of the Confederacy and of the continent, and is destined, in the future, to be the commercial emporium of the Atlantic and the Pacific—the point of arrival, departure and exchange of the products of Europe and Asia. We have the largest stream in the world—a river which steamers can now ascend over twenty-five hundred miles, with a vast net-work of tributaries winding through the heart of the State; whilst another great stream, happily designated by the Indians the “Father of Waters,” concentrates and pours the waters of numerous branches along our eastern border. These two rivers drain an extent of fertile surface greater than the continent of Europe, and its products must pass by our doors, or find a market among us. We have a number of square miles of territory greater than all New England, rich in all the great natural elements of wealth. As a body of cultivable soil, ours is not equalled by any like quantity in the world.

Our mineral resources surpass in abundance and variety

those of any other State in the Union, and of any other country on earth. The Iron Mountain alone covers a surface of about five hundred acres, and its ores extend to an unknown depth. The Pilot Knob and its vicinity contain an equal quantity of rich mineral; and iron ores of the finest qualities are to be found along the lines of the South-West Branch of the Pacific, and of the Iron Mountain Railroads, and are scattered in vast profusion over all the south-east section of the State. According to Professor Swallow, "There is ore enough of the very best quality, within a few miles of Pilot Knob and Iron Mountain, above the surface of the valleys, to furnish one million tons per annum of manufactured iron, for the next two hundred years." Rich mines of copper and lead are interspersed through the same region; and of the latter, inexhaustible quantities have recently been discovered in the South-West. Besides these, we have a great variety of other minerals, amongst which are zinc, cobalt, nickel, manganese, and others, including traces of silver and gold.

Of coal, our supply can never be exhausted. It is abundant in the vicinity of St. Louis, all over the northern half of the State—along the lines of the North Missouri, and the Hannibal and St. Joseph Railroads, in the vicinity of the Osage, and in other portions of the State. According to the statement of our State Geologist, it would require three hundred years, at the rate of one hundred thousand tons per day, to transport the supply imbedded in four counties on the line of the latter road. He also states that "the coal beds of Missouri can furnish one hundred million tons per annum for the next thirteen hundred years."

Fine marble also abounds in the South-East, near the Osage, and in other localities. We have, besides, an incalculable supply of Kaolin, or porcelain clay, better in quality than that of China.

Our population is now over one million. It has increased with great rapidity during the last ten years, and to an unprecedented extent in the last three years. If we are wise, directing our energies to the development of all our

resources, physical, moral and intellectual, indignantly frowning upon every attempt to inculcate the dangerous and alarming doctrines which lay at the foundation of the emancipation chimera, and do not suffer ourselves to be involved in fruitless and mischievous controversies with the enemies of our prosperity, lurking in our midst, our population will continue to increase with still greater rapidity, and the accession will consist, mainly, of individuals of sound, moral and political principles, who will be true to the Constitution and our laws.

To aid in the development of our natural resources we have entered vigorously upon a system of internal improvements, and an enlarged and, I believe, safe system of banking. Both had their origin in the plain, practical good sense of the people, and were organized upon safe and sound principles. Experience has already, and may yet, suggest judicious amendments.

The present financial difficulties of the country will doubtless check our progress for a time, as it does that of our sister States; but this, I feel assured, will be but temporary. It has its origin in that bane of our commercial system, over-trading, and must soon pass off, because we have in our midst abundant capital, and the crops have never been better. Whilst it lasts, however, we cannot be too cautious or prompt in our measures for the protection of the credit of the State, by the passage of such laws as will satisfy the world of our ability and intention faithfully to meet the accruing interest upon our bonds, loaned to the different railroad companies, in the event that any of them should fail to do so.

I have no fears that the General Assembly will fail to act promptly and efficiently in a matter of so much importance in its effect upon the honor and credit of the State. Missouri can be just to her creditors, in any contingency which may occur, and feel less the burden of taxation than she would, divested of her railroads and the benefits already derived from the present and prospective advantages of them, and relieved from the debt incurred in their con-

struction. The wealth of the State to-day, exceeds by more than one hundred millions of dollars what it would have been if our railroads had not been projected and their construction in progress. It is known that lands are valuable according to their proximity to a market, or to cheap facilities for getting its products to market. An illustration is not needed to impress this fact upon the mind. We have now nearly three hundred miles of railroad in operation, and the prospect of that distance being doubled in a very short time, the grading being nearly done, and a large portion of the iron on hand and ready to lay down. These facilities and prospects have caused a rapid increase of population, bringing therewith a large amount of personal wealth, and an equally rapid enhancement in the value of property. Enterprise has been stimulated, industry encouraged, a spirit of emulation excited, advances in intelligence and refinement promoted, the demand for the public lands in our State increased, thus hastening the day when they will be subject to taxation, and made to yield a revenue to our State Treasury. These facts need only to be suggested, to be seen and acknowledged. Our railroad enterprises have indeed inaugurated a new era in Missouri—have added to our business energies a momentum which will augment until our State has reached that high destiny to which her ample resources, central position and salubrious climate entitle her. It is known to many of our citizens, that lands which were recently valued at 50 cts. to \$1.25 per acre, and which had been in market many years, are now selling at \$10 to \$50, and in some instances at much higher rates. The assessed valuation has increased in nearly the same ratio, and the present revulsion in monetary affairs will contribute much to sustain prices of lands *here*; for while it is crippling the business energies of the older States, it will increase the tide of emigration to Missouri, where homes can be obtained so cheaply, and where nature so generously responds to, and rewards the toils of the farmer.

We have all seen the advantages that are resulting, and



to result, from the Geological survey of our State; that it has directed public attention to our immense natural resources, and is attracting hither both capital and labor; indeed, that it is making *ourselves* acquainted with the resources of our State, of which we before had no adequate conception.

I need not say to you, that our various benevolent institutions share largely in my sympathies, and will command my earnest attention. Their capacity should be adequate to the necessities of our people. Nor am I unmindful of our educational interests and the high purposes our schools are intended to subserve. I shall ever be ready to co-operate with you in all reasonable efforts to secure to our Common School system, and to our higher educational institutions, a character second to that of no other State in the Union. The virtue, intelligence, and prosperity of our people depend upon the character of our schools, and the extension of their benefits to all classes.

Gentlemen of the Senate and House of Representatives: This is not the appropriate occasion in which to refer specially to the many objects of legislation which may require your attention; but should it become necessary, during the progress of the session, to call your special attention to any subject of public interest, I will not fail to do so; and with a confident reliance upon the protection of Divine Providence, I shall most cheerfully and earnestly co-operate with you in all efforts to promote the manifold interests of our beloved State.

R. M. STEWART.

## FIRST BIENNIAL MESSAGE

DECEMBER 29, 1858

*From the Journal of the Senate, pp. 14-57*

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*Gentlemen of the Senate, and of the House of Representatives:*

In obedience to a requirement of the Constitution, it is now my duty to give to you such information relative to the state of the government, and to recommend to your consideration such measures, as I may deem necessary and expedient. Before calling your attention specifically to the various important interests which, as the Representatives of the people, you are convened to promote, I feel that it is right to recognize the beneficence of that overruling Providence which has so signally protected us as a people, and so bountifully supplied us with all the needful blessings of life, and to invoke your gratitude to Him who is the source of all the happiness and prosperity we now enjoy, and a reliance upon Him from whom we expect all the good we anticipate in the future.

In the two seasons which have passed since your immediate predecessors were assembled in these halls, the labors of the husbandman have been abundantly rewarded, and a healthy degree of prosperity has been realized in nearly all the useful pursuits of life. Although trade and commerce were somewhat embarrassed by the financial revulsion of 1857, few, comparatively, have suffered therefrom; while it has resulted in allaying an unhealthy speculative mania, and in returning the capital of the country to its legitimate uses. As a commonwealth, we have never enjoyed so high a degree of prosperity.

## FINANCES.

A statement furnished to me by the Auditor of Public Accounts shows the finances of the State to be in good condition.

The amount of revenue received into the Treasury in the year ending Oct. 1st, 1857, is.....	\$605,252.73
Amount received in 1858, is.....	756,115.61
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Amount received in two years, ending Oct. 1st, 1858, is.....	\$1,361,368.34
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The amount expended in 1857, is.....	\$735,016.21
The amount expended in 1858, is.....	397,158.79
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The amount expended in the two years ending Oct. 1st, 1858, is.....	\$1,132,175.00
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The balance in the Treasury, Oct. 1st, 1858, is.....	\$54,264.24
The estimated receipts of revenue for the two years ending Oct. 1st, 1860, adding twenty per cent. on the revenue of 1857, and fifteen per cent. on the revenue of 1858, are.....	1,950,777.55
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Total, including balance in the Treasury.....	\$2,005,041.79
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Deducting estimated ordinary expenditures in same period.....	\$600,000.00
Leaves a balance of.....	1,405,041.79
This balance is subject to a deduction of twenty-five per cent. per annum of the revenue receipts for the use of Common Schools.....	487,694.38
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Estimated balance in the Treasury Oct. 1st, 1860..	\$917,347.41
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This is a most gratifying exhibit, which it is believed will be fully realized.

The Commissioners of the State Interest Fund have invested, in the last two years, of revenue in that fund	\$93,667.00
And also of interest that had accrued on bonds previously purchased.....	5,700.00
And have purchased therewith 118 State Bonds. There had been previously invested as appears in the Auditor's Report in 1856.....	50,198.04
With which 58 bonds were purchased, making the aggregate invested in State Bonds from the Treasury.	143,865.04
And in the same of interest.....	5,700.00
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Making a total of.....	\$149,565.04
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In the two fiscal years commencing Oct. 1st, 1856, and ending Oct. 1st, 1858, there have been expended, of the special appropriations,

For the support and enlargement of the State Lunatic Asylum.....	\$70,037.35
For the education of the Deaf and Dumb.....	14,609.27
For the benefit of the Deaf and Dumb, buildings, etc...	17,650.00
For the support of the Blind, and the payment on land and buildings.....	26,000.00
For the Geological Survey of the State.....	25,737.10
Penitentiary.....	25,151.75
For extension of the Capitol Grounds.....	42,928.19
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Total of these items.....	\$222,113.66
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With the exception of the Lunatic Asylum, the appropriations for these objects have been nearly exhausted. It will devolve upon the General Assembly to provide for the support, during the next two years, of the benevolent institutions, and the Geological Survey; also for the completion of the Capitol Grounds, so far as there is any necessity for a cash outlay.

Under the authority given to the Governor to appoint a Commissioner to adjust with the Commissioner of the General Land Office, the amount due to the State of Missouri, on account of the sales of the public lands in the State, under the act of Congress for the admission of Missouri into the Union, JOHN W. REID, of Jackson county, was appointed and commissioned. He promptly repaired to Washington City, but ascertained that there was no law authorizing the Commissioner of the General Land Office to adjust said claim. He thereupon prepared a bill conferring the necessary authority, and placed it in the hands of our delegates. It was passed in the House, but failed, for want of time, in the Senate. It is believed that it will become a law during the present session, and thus all obstacles to the adjustment of our claim be removed.

## RAILROADS.

Among the leading and most important interests in our State, our railroad enterprises are entitled to special consideration, and occupy, deservedly, a prominent place in the minds of the people. As a means of making our unparalleled resources available, and for that end attracting hither an enterprising and industrious emigration capable of developing those resources, a system of railroads, penetrating the various parts of the State, is indispensable. These wants having been repeatedly, and for a long time, urged upon our people and the General Assembly, by those who had more maturely considered the subject, the State finally engaged in the work, and by the loan of its credit to incorporated companies, contributed material aid to the prosecution of several leading thoroughfares.

The following tabular exhibit shows the amount of aid authorized thus far, the amount of bonds issued, and the remainder due the several companies thus assisted:

Companies.	Amount loaned.	Amount issued.	Amount due.
Pacific Railroad.. . . .	\$7 000 000	\$6 780 000	\$220 000
do. do. S. W. Branch.....	4 500 000	1 400 000	3 100 000
Hannibal & St. Joseph.....	3 000 000	3 000 000	
N. Missouri.....	5 500 000	4 350 000	1 150 000
Iron Mountain.....	3 600 000	3 276 000	324 000
Cairo & Fulton.....	650 000	250 000	400 000
Platte Country.....	700 000		700 000
Totals.....	\$24 950 000	\$19 056 000	\$5 894 000

The Hannibal and St. Joseph Railroad Company, it will be seen, has exhausted the aid granted. That road will be completed in a very short time, and ask no further aid from the State. I have assurances from the officers of that company, that the temporary structures which have been the subject of comment, are being replaced by substantial masonry, and that the higher grades complained of are also being reduced. This, in order that the company

may, at the earliest practicable date, obtain full possession of its lands, is obviously its interest to do with as little delay as possible, and I have reason to believe that the road will be completed and in running order, through its whole length, early in the spring, and its structures and grades made entirely satisfactory during the coming season.

The Platte Country Railroad Company although it has commenced the work, has yet received none of the bonds authorized in behalf of that enterprise.

The Pacific Railroad Company will be entitled, by virtue of the aid already authorized, to only two hundred and twenty additional bonds, which if its construction goes forward as it should, will soon be exhausted. To complete the road to Kansas City, further aid will be needed, and it is hoped that it will not be withheld. The early completion of this road will add immensely to its business and profits, making the one hundred and sixty-three miles already in operation much more productive than it now is, while the portion yet to be built, and upon which more or less work has already been done, will be less expensive, and yield a much larger per cent. upon the capital invested. No time should be lost in pushing the work forward.

The South-West Branch of the Pacific Road has over three million dollars of the aid authorized in reserve. Only about twenty miles of this road, from the main stem, are yet completed, and about forty miles in progress of construction. It is due to the South-West portion of the State, that this road, so indispensable to the development and prosperity of that region, rich in mineral and agricultural resources, should be vigorously pushed forward with the least possible delay. Every day that that portion of the State is deprived of the commercial facilities a railroad would furnish, causes a serious loss to our revenue, and its delay would be a manifest injustice to the people of the South-West, who have so cheerfully aided similar enterprises in other portions of the State. No obstacle should hinder the speedy construction of that road.

The North Missouri Railroad is now completed to

Allen, in Randolph county, 150 miles from St. Louis, and the trains are running to that point. The unfinished distance, 18 miles, to its intersection with the Hannibal and St. Joseph Railroad, is graded, the cross-ties, rails, chairs and spikes are purchased and paid for, and nothing remains to be done, but to lay down the iron, which can be done in about twenty working days; the additional cost of constructing the road to that point being estimated at \$41,000. I regret to learn that for some reason not explained to me, this company will fail to pay the interest falling due on the 1st of January, on the State bonds issued in aid of that work. But the State Treasurer has made arrangements to meet the interest then due both by this and the Iron Mountain Company, and the credit of the State will be honorably sustained.

The Iron Mountain Road has an unexpended balance of \$324,000, authorized but not issued, which, under the restriction imposed by the amendatory act, approved Nov. 19th, 1857, cannot be issued before March 1st, 1859. That road is completed to Pilot Knob—over eighty miles from St. Louis—and has been in operation since April 12th; but owing to the general prostration of business, and the consequently limited demand for the great staples (iron and lumber) of the region it penetrates, not more than half the business has been done upon it that was justly anticipated. The result of these causes (the restraining act and the limited business done) is, there is now, as I am informed by the President of the Company, an outstanding debt for construction, and the Company will fail to pay the interest due on the 1st of January, on the bonds issued in its favor. But it is stated by its officers that the bonds now withheld, will, when issued, enable the company to pay the debt due for construction, and thus relieve it from its embarrassment, and that it will soon then be able to reimburse the amount to be paid by the State. With the increase of business that will result from more prosperous times, and increased facilities for the manufacture of iron, nearly all descriptions of which St. Louis will soon be enabled to furnish and which it may

and will shortly supply to a wide extent of country, together with the tribute of the extensive pineries to the business of the road, it may be confidently anticipated that a high degree of prosperity awaits its future operations. No long period will elapse before this road will be extended to meet navigation below the ice region, and to connect with the great chains of railroad extending south and south-west, when it must necessarily become one of the great routes of travel north and south.

It will also extend commercial facilities to the southeastern portion of the State, which, instead of being a swamp region, as has been supposed, has a soil of unsurpassed fertility, and is one of the finest agricultural districts in the United States. I see nothing in the temporary embarrassment of this road to warrant any apprehension for the future.

The Cairo and Fulton Railroad Company, as you will learn from the Board of Public Works, is in excellent financial condition. The length of that road in this State is about 77 miles. The means of the company consist of over 570,500 acres of land, valued at not less than \$5 per acre; individual subscription amounting to \$842,775, and State aid to the amount of \$650,000. The proceeds of these lands, when they are brought into market, will, it is believed, defray the entire cost of the road. No fears need be entertained in regard to the payment, by this company, of the interest accruing on the bonds issued by the State, or of their ultimate redemption. The company has authorized the issue of land bonds amounting to \$1,600,000, bearing seven per cent. interest, payable in 1882, the payment of which is secured by a deed of trust on its lands. On December 1st, \$70,000 of the State bonds issued to the company were on hand, and an unexpended balance of over \$26,000 of the proceeds of the bonds already sold. At the same period the company had expended from its resources other than State bonds, about \$267,000. Twenty-five miles of the route are under contract, and the way cleared out. Upon the first thirteen miles, from Bird's Point,



opposite Cairo, to Charleston, a very heavy work, composed of high embankments, pile bridging and trestle work, the rails are being laid, and the road is expected to be completed that distance the first week in January.

In view of these failures on the part of the Iron Mountain and North Missouri Railroad Companies to meet the interest on the State bonds, in accordance with the conditions upon which they were issued, a question at once arises in regard to the disposition that shall be made of said roads. Under existing laws the Governor is authorized, in case any railroad company to which State bonds have been issued, makes default of the payment of principal or interest thereon, to sell the road and its appurtenances at public auction to the highest bidder, upon notice being given as required by law; and he may, at such sale, buy in said road for the State.

In the event of such default or purchase by the State, there is no provision made for the disposition or management of said roads. It is therefore suggested that the General Assembly make such provisions as may be deemed necessary to have the roads operated to advantage until they can be sold, if such course shall be determined upon, or becomes absolutely necessary; and also direct in what manner sale shall be made, should they become the property of the State at any sale the Governor is authorized to make under existing laws.

Either a lease of the roads, or their management by the State through a Superintendent or Commissioner, until a sale can be effected, has been suggested. One or the other must necessarily be resorted to, or the roads be allowed, under the circumstances contemplated, to lie idle and unproductive. To run them under a superintendency subject to the supervision of the Board of Public Works, seems to be preferable. If leased at all, it would, of course, be merely a temporary expedient, to be continued only until an advantageous sale could be made; and the shortness of the time would induce such exacting terms on the part of the lessee, as would in the end, (the probable injury to the

property being considered,) afford no equivalent for the use of the roads.

I entertain serious doubts, however, whether the best interests of the State will be subserved by taking possession of the roads now, it is thought, only temporarily defaulting. As suggested, the Iron Mountain Road will likely soon be able to reinstate itself, and when the North Missouri road is completed to the junction, it cannot fail to become a paying road, running as it does through a most fertile country, the resources of which are in the course of rapid development. Besides doing a large freight business, it must necessarily become one of the favorite routes of travel to North-West Missouri, Western Iowa, Northern Kansas, Nebraska, and the great plains of the West, and when extended to the Iowa line, which should be done without delay, and connected with the roads of Iowa and Minnesota, the extent of its business cannot well be estimated. Before snatching the private stock from those who were the pioneers in these enterprises, it would be well to consider the unfavorable circumstances under which the railroads of this State were first undertaken, and have thus far been prosecuted. They were commenced under extreme disadvantages; when such improvements were not appreciated in this State; where there was not only lamentable indifference in regard to great public enterprises, but a determined and active hostility to them; a time when the earnest advocates of such measures of public policy were not only subject to the jeers and ridicule of many who had never experienced the advantages of the improved modes of conveyance, but were obliged also to labor arduously to convince those more conversant with their benefit, that the building of railroads in this State, was then financially either safe or possible. The first railroad charter under which any work in the way of construction was done, was approved February 16th, 1847, nearly twelve years ago. At that time any proposition to aid in the construction of a railroad in this State, was looked upon as an act of folly or madness; even the donation of the five hundred thousand acres of land, granted by Congress to

Missouri, with the express provision that the proceeds of the sales of said lands should be faithfully applied to the construction of railroads, etc., had been divided out among the counties without any reference to the letter or spirit of the act of Congress, which intended that the donation should be applied to the construction of such facilities for travel and commerce as would not only benefit the State, but the general Government. It will be remembered that when an attempt was made to repeal the act referred to, and apply the proceeds to objects contemplated by Congress, the friends of the measure were charged with getting up a scheme to ruin the State. Even a proposition to defray the expenses of a preliminary survey of a line of railroad, to test its practicability, was considered an entering wedge to a policy tending to destruction. Although at the session referred to, several bills were passed in the Senate favorable to railroads, they were voted down in the House. And the proposition to postpone the action of the distribution act until the people could be consulted, was defeated. From that period to the time of the passage of the act to expedite the construction of the Pacific and the Hannibal and St. Joseph Railroads, approved February 22d, 1851, a period of four years, nothing was or could be done, except by individuals, at the greatest personal sacrifice. During that period the surveys of these two lines were made at the expense of public spirited citizens, whose efforts brought these projects so prominently before the public, that the Governor of the State was induced to recommend, and the General Assembly to pass, an act granting them the aid of the State although its advocates encountered the most violent opposition. And under the provision of that act, granting \$2,000,000 to the Pacific and \$1,500,000 to the Hannibal and St. Joseph Railroad, authorizing the issue of \$50,000 upon the expenditure of \$50,000 by the company, stock enough could not be taken to progress with the work. Yet those who had projected these improvements, and kept them alive to this period, not only commenced the work, but succeeded in making such demonstrations of their feasibility, as brought

them prominently before Congress, which, without any cost to the State, resulted in the passage of an act granting lands to aid in the construction of these two roads.

From that period, June 10th, 1852, the public began to feel confidence in the success of these works; but owing to the financial crisis that occurred shortly after, it was impossible to raise money, even with the land grant, without additional State aid, which was consistently resisted by the same class of political economists that had opposed the earlier efforts in their behalf. Any suspension of the work on these roads, however temporary, occurring at any period since their commencement, would have retarded their progress for years, if it had not proved fatal to the cause of internal improvement in this State. This would have given its enemies an opportunity of proclaiming that their predictions of ruin had been realized, and to exult over the success of their own negative policy.

It was this absolute and imperative necessity, which compelled the companies to sell their bonds during an unparalleled financial crisis, and at rates that, under ordinary circumstances, would have been unjustifiable sacrifices. The heavy interest and discounts thus necessarily and unavoidably incurred, have been borne by the companies, and have been unjustly charged to the increased cost of construction over the original estimates.

It was under circumstances such as have been here recited, that those to whom the State is indebted for the existence of our roads, spent their time and private means in bringing these enterprises into public notice, and then aided, to the extent of their available means, in their construction. The subscribers to the private stock in our roads, are among our most public spirited citizens; and nothing short of a manifest necessity in protecting the public interest, should induce the state to sacrifice their interests. Besides operating as a great hardship upon them, it would serve to deter others from adventures of that sort, and thus to repress the energies of a most enterprising and useful class, who are indispensable to our prosperity. Besides, if

they were now put up to the highest bidder, they would necessarily be sold at a ruinous sacrifice—a greater sacrifice than would be necessary after our resources are more generally developed, and the roads doing a larger and more profitable business. It is of the highest importance to the welfare of our State, that our great trunk roads should be completed at the earliest day practicable. When they are finished, others tributary to them will be built in every part of the State, by private enterprises, as they have been in other States, and thus every neighborhood in Mississippi will be brought into convenient proximity to the great marts of commerce; all the industrial pursuits be stimulated; our fertile soil, now comparatively an unproductive waste, made to yield abundantly all the great staples for which the State is so famous; manufactures will be encouraged; our immense mineral resources throughout the State developed, and all the arts which contribute to the wealth, refinement and happiness of the people, will be established in our midst, giving employment to thousands and tens of thousands, who in turn will become consumers, furnishing to our producers a home market, thus still further stimulating the energies of our agriculturists, making profitable the improved modes of culture, and by this means giving us a density of a population that can afford to build and maintain good roads, and support, to a liberal extent, schools and churches, and will bring to our doors all the conveniences, comforts and luxuries known to an enlightened people.

Instead of now taking full possession of, or selling the defaulting roads, I submit to your enlightened judgment, whether, having taken such steps as will assure the State of the faithful application of the receipts of the companies to their legitimate purposes, and that every practicable economy is observed in their operations, they should not be allowed to go on until, at least, a fair opportunity has been offered them to test their ability to pay, after having gotten fairly into operation to important points, and are unembarrassed by a debt incurred in their construction.

The Iron Mountain Road is now completed to the point

whence it will derive the largest amount of its freight business, which must henceforth rapidly increase. And the North Missouri Road, when completed to the junction, will be in a condition to command a large business; and a trifling expenditure, and a few days' labor will accomplish this.

By a little indulgence to these companies the State will incur no serious risk. It has, and will continue to hold, the first lien upon the roads and their appurtenances—a lien not only upon the proceeds of the sales of its own bonds, but upon the proceeds of all the city, county and private subscriptions; and the State, by its increase of revenue, gets all the incidental advantages accruing from their construction.

No careful observer can have failed to notice, from the time there was a reasonable prospect of our great railroad enterprises being successfully prosecuted, and that our State would, at no remote period, enjoy the commercial facilities the iron track affords, that the tide of emigration, which had hitherto been mostly directed to other States, began to seek a place among us; and as these works progressed, the tide of immigration increased. For government lands which had been many years in market, and were being slowly taken up, the demand has been so great that competition for the same tracts has been a common occurrence, and already the larger part of the wild lands in our State have become private property, and, therefore, subject to taxation. Settlements, towns and cities are springing up in every direction, and especially along the lines of these roads, where a few years ago the lands were regarded as too remote from public thoroughfares to make their cultivation profitable, or even agreeable, to those who had been accustomed to the conveniences which a thickly settled country affords. Where, before our railroad enterprises awakened the energies of the people, excited an impulse to industry, and gave an impetus to trade, rude cabins were found here and there at remote distances from each other, with few signs of thrift or comfort about them, extensive farms, elegant mansions and all the evidences of industry and wealth are seen as far

as the eye can reach. Shall we attempt to arrest this tide of prosperity in saying to the world, by our acts, that we have lost all confidence in the success of our public works, and thus in the greatness of our future?

From 1840 to 1850 St. Louis increased in population nearly four hundred per cent.; in other words, was nearly five times as large in 1850 as in 1840. In the same period the population of the State was not doubled, while that of Iowa was more than quadrupled, and of Wisconsin increased ten fold. Why? In those States public improvements went hand in hand with the increase of the population. There was an assurance that the farmer would have a cheap, speedy and safe conveyance with which to carry his products to market. Here, with a more fertile soil, a milder climate, a more central locality, and nearer the great markets, and indeed having within our geographical limits the natural great centre of commerce, not only of the Mississippi Valley, but of the Union, little disposition was manifested to enter upon a system of internal improvements, and hence the neglect, by emigrants, to make themselves acquainted with our resources and natural advantages. The growth of St. Louis therefore, was not alone an index to the prosperity of Missouri, but an aggregation of the growing commerce of several states, some of them *then* more thrifty than Missouri, which possessed greater natural advantages than those States which grew so much more rapidly. But the scene has changed. There is now a strong and increasing disposition to emigrate from those, as well as the older States, to ours, and Missouri is making rapid strides to greatness, in population, agriculture, manufactures, commerce and wealth, and is becoming the great highway for the travel of emigration further west. This her natural position tends to make her, and nothing but a timid and contracted policy, and a determined refusal on the part of our people to duly regard the suggestions of nature, can longer hinder Missouri from asserting the degree of importance to which she is pre-eminently entitled. With her great trunk roads completed, her further advancement will be unparal-

leled; and though the State should complete them, and have the whole debt thus incurred to pay, (an event there is not the slightest cause to apprehend,) it would be incalculably enriched by the operation.

It should be remembered, that besides causing the government lands to be taken up and brought under cultivation, thus making them not only taxable, but taxable at greatly enhanced prices, the roads and appurtenances are also taxable. This item is of itself a large one, ultimately involving the proceeds of the sales of the lands donated by Congress to aid in their construction, and to which end the State is only a trustee, and not, in any sense, a donor or loser, but so far as the proceeds are applied to the construction of the roads, a gainer; for, to the extent of the value of the lands, if that value does not exceed the cost of the roads, proceeds of their sales are a security to the State for the loan of its credit.

If the proposed constitutional amendment, limiting the debt of the State, be adopted, it cannot exceed thirty millions. In 1850 the aggregate valuation of the taxable property of this State was only a fraction over ninety-one million, but so rapid has been the increase since our system of public improvements was fairly inaugurated, that the assessed valuation of our taxable property is more than trebled; having, in 1857, amounted to within a fraction of two hundred and sixty-two million dollars, which the valuation of 1858 will exceed fully twenty per cent., making it not less than three hundred and sixteen million. It will be seen that the annual average increase has been equal to seven-eighths of the amount to which it is proposed to limit the debt of the State, and more than equal to our present indebtedness. And it cannot be reasonably doubted, that more than one-half of this increase is justly attributable to our railroad enterprises. Already, then, the liberality of the State has been richly reimbursed, while the future advantages to be derived from our railroads cannot be estimated. The population of Missouri is over a million—a fraction over fourteen to the square mile. Allowing the



State to contain ultimately a population as great as that of France, in which there are 178 to the square mile, it would have a population of over twelve million. A corresponding increase of wealth would make the value of the taxable property of the State over \$3,792,000,000. And Missouri is capable of sustaining a more dense population than France—has larger agricultural resources in proportion to area; and the mineral resources of Missouri so far surpass those of France as hardly to admit of comparison. But suppose that it attains only a population as dense as that of Massachusetts—127 to the square mile—which, in view of the great fertility of its soil, and its abundance of raw material for manufacturing purposes, it will readily be admitted, it may do. This would give the State a population of nine million, and a taxable wealth of \$2,944,000,000, of which a thirty million debt would be but a little more than one per cent. And it is safe to predict that Missouri will have a population of nine million before the year 1900. Within the next twenty years, if no obstacles are interposed by a penurious system of legislation, St. Louis will be the great radiating centre of a railroad system extending from the Atlantic to the Pacific, and from the British Possessions in the North to the Gulf of Mexico. St. Louis, at no remote period, will be the great central mart on our continent, for the exchange of the productions of the regions beyond the two oceans. Shall we, in view of these prospects, hesitate in the completion of the few roads now building, and which are so indispensable to a progress now daily accumulating momentum? In view of all the efforts making, both north and south of us, to divert the current of travel and trade into other channels, such a policy would, in my opinion, be the acme of impolicy. And when it is understood that Missouri will sustain the policy already adopted and so far advanced, financial speculators will abandon their efforts to embarrass our works, for the purpose of getting possession of them at a nominal price.

Under existing circumstances it is due to the creditors of the State, that the proposed amendment to the Consti-

tution, limiting the indebtedness of the State to thirty millions, should be adopted. And in order that the aggregate of our debt may never exceed that amount, it will be advisable, in extending further aid, to leave a margin to cover contingencies. With this constitutional limitation our bonds must soon attain to par value; and there can, in the future, be no good reason for their depreciation. Another influence that will tend to enhance the value of our State bonds is that the larger part of them are already in the hands of capitalists, whose interests will now lead them to aid in their appreciation, rather than in their depreciation, that they may buy them up at rates below their real value.

Should the payment of the interest of the entire debt devolve upon the State, the honor of Missouri will never be tarnished by repudiation, nor ever by protest.

It will be evident to the General Assembly that good faith to our bondholders, will require the law for the assessment of a mill tax, set apart for the payment of the interest on the bonds of the State, to be continued. And to this the tax payers cannot object; for with this addition to our ordinary assessment, our taxes will be less than in most of the States in the Union, where labor is less remunerative and capital cannot be as profitably invested. And though this tax were much larger, it would be an inconsiderable part of the benefits annually derived from the roads which have made the tax necessary; producers having, by means of the roads, a market for various products which before they had little inducement to cultivate, and realizing much better prices for all their staples.

#### COMMON ROADS.

I cannot too earnestly urge upon the General Assembly the necessity of so modifying our road laws as to ensure the more thorough improvement and repair of our public highways. Next to railroads, good common roads are necessary to repair the proper development of the resources of a country, and a liberal expenditure in their permanent improvement is, in its results, a profitable economy. And a

well matured and efficient law should be made applicable, without exception, to every county in the State. Should there be neighborhoods in which such a law is not at once appreciated, its benefits would soon be apparent, and a general desire be felt for its faithful execution.

#### GEOLOGICAL SURVEY.

From a statement furnished to me by the State Geologist, I learn that in forty-four counties the Geological Survey has been completed; that in seven others it is half done, and in nine others the work has been commenced. County maps have been made for twenty-nine counties, of which twelve have been engraved, ten printed, and nine colored. Reports have been made on fourteen counties, sections of strata of seventeen, schedules of sections of four; and reports of five counties and their maps have been published. Preliminary surveys have been made in several other counties.

A survey has been made all along the line of the South-West Branch of the Pacific Railroad, an area of about 13,000 square miles, and a report made to the President of the Company, containing a complete map of that region, and tables of the mineral localities. In that report are given 90 localities of iron ore and 2 furnaces; 216 localities of lead ore and 34 furnaces; and 25 localities of copper ore and one furnace; besides many localities of zinc and coal.

The report was also accompanied by a view of Granby and the terraced ridges of Niangua, showing the natural adaptation of the southern highlands to the culture of the grape. It also contains an elaborate article on the culture of the grape in Missouri, proving the peculiar adaptation of our soil and climate to this culture, and that we have as good a climate as France, and as much soil equally adapted to that purpose. The publicity given to a portion of that report, in connection with our prospective railroad advantages, has undoubtedly done much to secure the early sale of the lands in Southern Missouri, which are specially

suited to the vine culture, thus making them an immediate source of revenue. The ultimate result will be to increase our productions, exports and taxable property, to an incalculable degree; 5,000,000 acres in vineyards being worth not less than \$1,500,000,000, and will yield an annual income of more than \$1,000,000,000, give employment to 2,000,000 people. These estimates are based upon the results of the vineyards already cultivated in the State, and I doubt not, may be relied on. The increased sale of lands which has resulted from the survey, has probably added to the revenue more than it has cost; and the gain to the State, to be derived from the discovery of minerals and other resources, must be inconceivably great.

It has been supposed abroad, that our lead mines and mineral lands are similar in character to those of Wisconsin, where the ore does not extend more than one hundred feet in depth; but in the report referred to, it is proved that our lead veins range through four or more formations, to the thickness of more than one thousand feet, differing materially from the mines of the North-West.

The Geologist suggests that it would be an economy to the State, to have the survey completed by contract, stipulating that the work shall be as thorough as the surveys thus far have been. In his opinion, ten thousand dollars may be saved to the State by such a contract. He is willing to obligate himself to finish the survey in the manner proposed, on terms twenty per cent. cheaper than the work already done. The proposition is worthy of being considered. I trust, however, that, after a thorough examination of the matter, the Assembly will continue to survey under arrangements that will be likely to secure the early completion of the work in the best possible manner.

#### BANKS.

Under the "Act to regulate Banks and Banking Institutions," passed at the regular session of the last General Assembly, chartering a bank of the State, with authority

to establish seven branches, and nine other parent banks, having authority to establish in the aggregate twenty-three branches, the Bank of the State and six branches have gone into operation; also, six other parent banks and eight branches. These being distributed throughout the State, and all based on a large *bona fide* cash capital, have added largely to our banking means, and are furnishing to our people a home currency, the responsibility of which is undoubted. Their operations, however, have been somewhat restricted by a conflict of interest which has been manifested between these regular banks of issue and the savings institutions within the State. While no honestly managed banking institution will complain that a vigilant eye is kept over its operations by the people who handle its paper, it is equally true that some degree of confidence and forbearance are indispensable to the credit system, and to financial operations generally. And since a paper currency is unavoidable, it is better that we should have a circulating medium of our own, over the issue of which we have some control, and thus the means of knowing something of its solvency. While our interests cannot be subserved by a needless distrust, and an unwarrantable rejection of the currency of our neighbors, whose commerce is intimately interwoven with our own, and who are largely our customers, we ought so to guard the interests of our own banks, as to enable them to use, profitably, the capital invested, and to furnish to our people, to the extent of that capital, the facilities they were intended to afford. Some legislation may be necessary to harmonize the different interests referred to, and it is hoped that the wisdom of the General Assembly will be directed to that end.

As authorized by the act, the sum of one million dollars has been subscribed by the Executive as a part of the capital stock of the Bank of the State of Missouri, and is now held by the State.

It will be remembered that during the financial crisis in 1857, our banks, although in their infancy, found it necessary to suspend specie payment, and that fears were enter-

tained by many that a legalization of that suspension would result in giving us an irresponsible currency. Those thoroughly informed with regard to the causes of that suspension thought otherwise, and subsequent events have shown that the public good was thereby greatly subserved. Our banking institutions, all perfectly solvent, were saved from being forced into liquidation; their customers from unnecessary pecuniary distress, and in many instances, doubtless, from ultimate insolvency; and the people generally from a degree of stringency in money matters that must have fallen heavily upon them, and for a considerable time paralyzed their efforts. The temporary relief soon restored confidence and in less than six months all our banks were able to resume specie payments. It must be evident to all that the suspension and its legalization, however objectionable they seemed, were, for the time, conservative measures, protecting the interests of the many, rather than enriching the few.

#### PENITENTIARY.

During the past two years the operation of the Warden system in the management of the Penitentiary, has been in the highest degree satisfactory, the financial exhibit showing a net balance in its favor of nearly eight thousand dollars. The large increase in the number of convicts having created a necessity for additional facilities for mechanical operations within the walls of the prison, its area was enlarged, in 1857, by the extension of the northern and southern walls 155 feet east, requiring a new end wall 386 feet in length. This is a massive and most substantial structure, the wall being 34 feet high at its lowest point, and 53 feet at its highest, and 5 feet 6 inches thick; the eastern wall being supported by five buttresses, and the extension on each side with two, all built in and with the wall. This new wall contains 5807 perch of masonry, and makes an addition to the yard of 59,830 superficial feet. In 1857 a new blacksmith shop was also erected, 105 feet in length by 55 feet in width, one story, with brick walls, containing 116 perch of masonry

and 120,000 brick, with a self-supporting roof. This shop has room for thirteen forges, working thirty-six men. A new engine of the largest size was also procured the same year, requiring a building (which was erected of brick,) 32 feet long by 18 feet wide, with a partition wall around the engine, which is bedded in solid masonry twelve feet under ground. In the last year a cooper shop has been erected, 187 feet long by 40 feet wide, and three stories high, with a self-supporting roof. The basement is 16 feet high, built of stone, containing, with the foundation, 2028 perch of masonry, and is used for the storage of cooperage, wagons, etc. The other stories are of brick, and contain 285,698 brick. The second story is 11 feet high, is used for a cooper shop, and contains sufficient room to accommodate 150 coopers. The third story is 12 feet high, and is divided into two rooms, one of which is used as a dining room, and will seat 500 persons; the other, being 63 by 40 feet, gives ample space for the tailors and shoe and harness makers.

A new cell building is also in progress of construction, five stories high at the lower end, and three stories at the upper end, where it joins the old cell building, of which it made an extension. The new cell building proper, resting upon a foundation 14 feet 6 inches under ground, all solid masonry, is 20 feet wide by 172 feet long, and will contain 236 cells, each four feet wide by 7 feet 9 inches long. The cell building is surrounded by a stone wall 2 feet 6 inches thick, resting on a foundation 3 feet 6 inches thick and 8 feet under ground. This building, of which two stories are now completed and the third in progress, will be a very substantial edifice, eminently adapted, in every particular, to the use for which it is intended, and was indispensable for the safe-keeping, good discipline and health of the convicts.

These buildings, all of which were demanded by the absolute necessities of the institution, cover an area of 22,110 superficial feet, nearly two-fifths of the space added by the extension, leaving, besides the necessary wagon roads, but little unoccupied ground.

These improvements, you will notice, have required a large amount of excavation preparatory to building, and in grading the grounds, owing to their inequality, and which, though indispensable, and costing much labor, make no show either in cash receipts or in buildings.

I feel constrained, in this connection, to call your attention to another improvement which is imperatively demanded by the claims of humanity. I allude to the want of suitable accommodations for female convicts. Hitherto they have been held in solitary confinement, in contracted cells, with no opportunity for exercise. This is now the only accommodation the prison affords. It will at once be apparent to you, that a punishment so severe is not contemplated by the law. Constant confinement in so limited a space, the want of exercise, breathing an atmosphere necessarily close and unwholesome, and the deprivation of all opportunity for the exercise of the social faculties, must inevitably destroy the health, if it does not also, in cases of protracted imprisonment, impair the intellect, even to the dethronement of reason. The ends of justice do not certainly require that the weaker, who are often the victims of the sterner sex, and by them betrayed into the paths of vice and crime, shall thus be wholly sacrificed upon the altar of our penal code. In my opinion, provision should be made for the erection of a building containing not only the necessary cells, but a room where, together, they may have appropriate employment and exercise, and enjoy a wholesome atmosphere. If they could, at the same time, be under the superintendence of the matron, whose counsels would tend to their permanent reformation, the repugnance to the conviction of females would be much abated and the object of our penal laws greatly promoted. In the absence of the most necessary of these conveniences, a sense of duty has constrained me to release several female convicts from their further imprisonment.

I have entered somewhat into detail in regard to the operations of the Penitentiary; because, first, it is due to the Warden that his very energetic and efficient management



should be thus officially acknowledged; and secondly, because I feel deeply solicitous that the State should retain the institution under its own immediate and entire control. Since the leasing system was abandoned, the Penitentiary has been restored from a condition of extreme dilapidation and filth to one of thorough repair and the utmost cleanliness. Its whole physical aspect has undergone a complete renovation; and in its discipline and general moral regimen, the improvement is, if possible, still more strikingly manifest. To this may be added, its enlargement and increased facilities, all of which have been accomplished with a very small outlay in money. The convicts, instead of being subjected to the merciless cravings of a heartless avarice, without regard to their health or morals, have been made to improve their own physical condition, and thus, in some measure, to surround themselves with influences tending to their reformation in morals; while at the same time they have received the benefits of a salutary discipline and a general regard for their well-being, which must tend to the amelioration of their condition, and necessarily awaken into new life, the nobler impulses of which they may yet be susceptible. It is hoped that any proposition to return to the leasing system, will be at once rejected as altogether inadequate to the reformatory objects of a Penitentiary, and unworthy of this enlightened and Christian age. The government does not seek to make its penal code a source of profit, but to deter the less hardened from the commission of crime, and to reform, if possible, the more guilty. If practicable, the degrees of punishment should be graduated by the turpitude of the offenses committed, and convicts classified, separating the young and repentant transgressor from the more abandoned and depraved; and association with whom, instead of tending to their reformation, is a sad and deplorable school for vice and depravity, almost inevitably erecting insurmountable barriers in the way of their return to the paths of rectitude and virtue. Under a system of leasing, it is the interest of the lessee to obtain the largest possible amount of labor from the convicts, with the least possible

expense to himself; and just in proportion to the obedience and faithfulness of a convict, which, in connection with other reasons, might render his release not only proper, but in view of its disciplinary influence upon others, desirable, would it be the interest of the lessee to misrepresent his conduct, in order to retain his services. The impression on the part of the convict, that he is liable to this injustice, is calculated to foster in him a spirit of malevolence and insubordination, and to quench the feeble impulses he may feel to reform, and thus to deserve the good character, as a convict, which a State Warden can have no adequate motive for withholding. Convicts must naturally feel most keenly the difference in these relations, and with few exceptions their condition will be both morally and physically worse in the hands of a lessee than under the care of a Warden, who, as an officer of the State, is supposed to consult its best interests in the treatment and discipline of its criminals. Many arguments, based upon the claims of humanity, and the highest interests of the community, might be adduced in objection to the leasing, and in favor of the Warden system, but they will readily occur to you.

Before dismissing this subject, I will call your attention to the condition of the Penitentiary Library. At present there are but 603 volumes with which to supply reading matter to nearly four hundred convicts. The standing appropriation of twenty-five dollars per annum, has mostly been expended in the purchase of Bibles and doctrinal books. It must be evident to you, that a library containing not only all the elementary text-books, but treatises upon the various arts and sciences, would have a decidedly salutary influence upon the minds of the convicts. They would employ many hours that would otherwise pass heavily away, in the study of useful books, or in the perusal of interesting works of a miscellaneous character—histories, carefully selected biographies, and other works of an elevating tendency, and would thus be both intellectually and morally improved, and perhaps stimulated, and to some extent qualified, to follow some honorable calling upon obtaining their release.

I recommend a suitable appropriation for the increase of said library.

#### CAPITOL GROUNDS.

In compliance with an act of the General Assembly, approved December 7th, 1855, to authorize the Governor to improve the Capitol Grounds, etc., a number of convicts were employed by the Warden in 1857, under the direction of my immediate predecessor, in partially enclosing the Capitol square; but the grounds having been extended by the purchase of a number of the adjoining lots, in accordance with an act approved December 13th, of the same year, and amended by an act approved February 14th, 1857, the improvement of which addition was provided for by an act passed at the adjourned session of 1857, upon the condition that a sufficient number of convicts could be spared from within the walls of the Penitentiary, during the past year, all the convicts that could be spared under the provisions of this last act have been employed in grading said addition, and in other labors incidental to said improvement. In grading the grounds and the streets authorized to be opened, together with excavations for foundations, masonry, macadamizing the new streets, etc., 10,236 days of convict labor, 1,489 days' labor of carts, and 1,546 days' labor of guards, have been done within the eleven months commencing January 1st, and ending December 1st, 1858. The amount of earth excavated in this work is 46,218 cubic feet, which has been used in filling other portions of the grounds. A large amount of masonry has also been done, as will be seen by the report of the Engineer. Much labor will yet be required in completing the grade according to the plan of the Engineer, and the necessary adornments, walks, etc. Only a small part of the labor necessary in the construction of the wall has yet been done. When completed, the improvements will be an ornament to the capital city and a credit to the State. Since the extension has been made, the inner enclosure, previously provided for and in progress, seems to be wholly unnecessary, and indeed objectionable. The material in it

might all be used in the construction of the other enclosure, but it cannot be removed until the General Assembly has authorized it to be done.

#### EXECUTIVE MANSION.

As it cannot be completed during my term of office, I feel no delicacy in saying that a new Governor's Mansion is greatly needed. The present edifice, besides being illy constructed and a very inconvenient dwelling, cannot much longer be made tenantable, even by repairs. The out-houses are also in a state of dilapidation. Altogether the present buildings are unsuitable and inadequate to the purposes for which they were intended, and by no means creditable to this great and wealthy State. It is confidently anticipated that provision will be made for the erection, at an early day, of a mansion and other needed buildings, ample in their accommodations and substantial in their character.

#### EDUCATION.

I take great pleasure in stating to you that the University of the State, the usefulness of which has been heretofore much restricted by conflicting influences which ought to have been united in a common effort to enlarge its patronage and extend its benefits, is now enjoying an increased patronage; and possessing facilities equal, and it is thought superior, to any other educational institution in the Mississippi Valley, it is believed that the advantages it affords the student will no longer be ignored as they have been even by the citizens of our own State, and that henceforth, in constantly augmenting numbers, our youth will seek admission into its highly favored classes, and there, having obtained its benefits, and entitled themselves to its honors, will delight, in their future career, to claim the renowned University of the great central State as their Alma Mater, within whose cherished precincts were laid the foundations of their own success and fame.

It is made the duty of the General Assembly, to elect a Board of Curators for the University. This duty having

been omitted, it has devolved upon the Executive, for several years, to supply the occurring vacancies, and the entire Board now hold their commissions by his appointment. I would urge upon the Assembly the discharge of this important duty, thus relieving the Executive from the exercise of a power which was given only with a view to filling vacancies occurring at irregular periods. And I cannot too strongly urge upon you, in electing a Board of Curators, to secure the labors of those who, by their zeal in behalf of educational interests, enlightened and liberal views, and strict impartiality are eminently qualified for the important trust committed to their care. Every citizen should feel a deep solicitude in the character and fame of the chief educational institution of the State; and especially should the governmental officers realize, that upon them is imposed a sacred obligation, so far as its character and usefulness can be affected by their official action.

But the chief corner-stone and crowning glory of our educational facilities, is our common-school system. Thereon, to a very great extent, depend the intelligence and virtue of the masses. Without a thorough and efficient system of public schools, open to all classes and conditions, the high and low, the rich and the poor, a community never has been and never will be generally intelligent; and without intelligence the higher social and moral qualities cannot be fully developed. The strongest bulwark that can be erected against ignorance and vice, is a system of education, which is alike free to all, a common fount where all may, at least, obtain the rudiments of an education, upon which, by their own exertions, they may rear a respectable superstructure of practical information. Under the operation of our common school law, making ample provisions for the support of common-schools and the greater efficiency given to the system by the instrumentality of a State Superintendent and County Commissioners, a marked improvement is manifest throughout the State. A greater interest has been awakened; the number of organized districts has been rapidly increasing, school houses have been built, teachers employed, and the

schools more generally attended. As you will observe in the Report of the Superintendent, every county in the State has now a common-school organization. You will there learn that in 1854 there were only 1,546 school houses belonging to our common-school system, while in 1856 the number had increased to 2,673, and in 1857 to 3,382. The number of teachers has increased from 1,780 in 1854, to 2,889 in 1856, and to 4,397 in 1857. The amount of money raised to build and repair school houses in 1855, was \$30,487.05, and in 1857 the amount raised for the same object was \$130,236.85. Nothing could better attest the increased appreciation, by our people, of a thorough system of common schools, or show more clearly that our intellectual advancement fully keeps pace with the increase of our material wealth. The report will furnish you with much information indicating unmistakably the higher estimate in which the public schools are universally held throughout the State; and it will be observed that this growing interest in, and increased efficiency of our common-school system, has greatly tended to awaken a greater interest in, and to increase the number of, a higher order of schools—academies and colleges, for both sexes—which are springing up in every part of the State, and everywhere enjoying a high degree of prosperity.

It is hoped that all attempts to render the system only partially operative, by exempting counties from some of the provisions of the common-school law, will be peremptorily refused, and so far as anything has been done by special legislation to lessen the efficiency of the law in any part of the State, that such districts will again be brought under its general provisions, and the law made uniformly operative. For other suggestions, with regard to needful amendments to the common-school law, I refer you to the report of the Superintendent.

During the past few years much attention has been and continues to be given to the branches of education which qualify the agriculturist for pursuing his vocation upon more scientific principles, and with greater certainty of success. As our State possesses large agricultural resources, upon the

proper development and preservation of which must ever depend, to a great extent, its wealth and prosperity, a thorough knowledge of the natural laws pertaining to soils, crops and the animal kingdom, is pre-eminently a desideratum. The farming interest underlies all other sources of wealth, and without its success no other in our country can prosper; and to the agriculturists, perhaps, more than to any other class, do we look for that stability of character and conservative influence upon which the permanency of a free republic depends. No class, then, are more entitled to the fostering care and liberality of a government. While several States in the Union already have their Agricultural Colleges and College Farms, I submit to the enlightened wisdom of the General Assembly, whether our interests do not demand some facilities for the thorough education of the farmer as such. If this inquiry is affirmatively answered, it will remain for you to decide whether you will create and endow a separate and independent institution, or make it an adjunct to the University of the State, which is already liberally endowed, and, with an able faculty, prepared to impart instruction in many of the branches preparatory to an agricultural course, to all who would attend a college of this character. If practicable, the latter would be the most economical, requiring only a comparatively small outlay, while the creation and endowment of a separate college, would require, probably, not less than two hundred thousand dollars. I would urge this subject upon your early and earnest attention.

#### BENEVOLENT INSTITUTIONS.

The benevolent institutions—the Lunatic Asylum, and the Asylums for the Deaf and Dumb and Blind—all successfully established, are contributing much to mitigate the misfortunes of those for whose benefits they were intended, and will deserve, at your hands, whatever aid may be necessary to make them fully adequate to the wants of the State. For particulars in reference to their conditions, you are referred to the reports of their respective officers.

## MILITIA.

At the last session of the General Assembly a law was passed for the reorganization of the Staff Department and Volunteers of the Missouri Militia, which, I am happy to state, has proved efficient and practical. Under it, however, the legal time has not arrived within which a complete inspection can be required, and therefore no general report can be made.

It is suggested that the aid rendered by the State to our volunteers, upon whose patriotism so much depends, is not equal to the zeal displayed by them, or the sacrifices which they are required to make. Beyond the meager allowance and distribution of the annual quota of arms issued to the State by the General Government, our volunteers are left to shift for themselves. The average expenditure in which a private in our volunteer companies is necessarily involved, I am informed, exceeds one hundred dollars each year, while officers expend nearly double that amount. This is a heavy tax upon them, and it is submitted to you whether they ought not, to some extent, to be relieved by an annual allowance.

It is also suggested that a State Armory at St. Louis, for the preservation and safe-keeping of the State arms in that district, where there must necessarily be maintained a considerable volunteer force, as well as for a permanent rendezvous, is of paramount importance. I trust that these matters will be duly considered, and such modifications of the law made as the public good and private justice demand.

## SWAMP LANDS.

It will be remembered that the State has conveyed to the counties in which they lie, its title to the swamp lands selected under the act of Congress, approved September 28, 1850. While these lands were being selected, many of them were sold by the United States for cash, or land warrants were located upon them. To adjust the conflict of titles thus arising, Congress, on March 2nd, 1855, passed an act for the



relief of purchasers or locators of said swamp and overflowed lands, providing that where tracts of land of that description have been disposed of by the General Government since September 28th, 1850, if selected and approved as swamp or overflowed lands, that the money received therefor shall, upon proof being made to the proper authorities that said lands are truly swamp lands within the meaning of the act referred to, be paid to the State in which they lie; or if located with warrants or scrip, that the State shall be allowed to locate a like quantity of public lands.

Under the act of the General Assembly transferring the claims of the State under the act of Congress referred to, to the counties, the counties are entitled to said money or scrip. Appreciating the importance of the matter, I, as early as January last, applied to the Surveyor General for Illinois and Missouri, to ascertain how these claims should be adjusted. At my instance that officer, on the 27th of the same month, addressed a letter to the Commissioner of the General Land Office, inquiring whether the Department would correspond with and recognize duly appointed agents of the counties, in the adjustment of said claims. The Commissioner, on February 4th, replied to said letter, stating that lists of the lands selected under the Swamp Act, which have been sold by the United States for cash, or located by land warrants or scrip, are to be prepared by the Department and transmitted to the Executive, in order that he may be able to furnish the proof required; that the proof referred to means such proof as had been taken subsequently to that upon which the selection as swamp lands was based. The Commission declines corresponding with, or recognizing, agents appointed by the counties. As the money or scrip due belong to the counties, the Governor, of course, was under no legal obligation, and had no authority to enable him to present the proof required. On the other hand, if the Executive should refuse to do anything, under the decision of the Land Department, it would be impossible for the counties to assert their claims. But it would be impossible, consistently with other duties, for the Governor to carry on the laborious correspondence

with the several counties necessary to obtain and present the requisite proof.

Under these circumstances I thought it best to select a person in whom I could confide, and to authorize him, as my personal agent, to conduct correspondence with the Department, and do in my name what the Commissioner had said the Executive officer of the State only could do, and to authorize him also to communicate with the counties, and give them all the information necessary to enable them to obtain the necessary proof, and to transmit to the General Land Office, in my name. I had no authority to pay for such services, nor to require the counties to do so; I could only commend the person so authorized to their confidence, and recommend that they should employ and compensate him. My acceptance of the various persons whom the counties might designate to act in the matter, would only lead to confusion, and further complicate the adjustment of said claims. I, therefore, selected Mr. James Loughborough, of St. Louis. He had been the chief clerk in the office of the Surveyor General for Illinois and Missouri when the swamp lands were being located, and was familiar with the laws and instructions relating thereto.

On the 6th of March last, I addressed a circular to the justices of the County Courts, enclosing the decision of the Commissioner, and recommending them to communicate at once with my agent. Lists of the swamp or overflowed lands, that have been sold or located by land warrants in the Springfield District, have been received, and a copy furnished to Mr. Loughborough. Up to December 13th but sixteen counties had ratified my appointment, and delegated to my agent full authority to act for them. About twenty-five others have acknowledged the reception of said circular, but have only expressed a willingness to carry out the suggestions therein contained, when they have ascertained the amount of indemnity to which they are entitled. It is hoped that all the counties interested will see the importance of giving early attention to this matter, and that they will not allow any personal interest to delay action. It will soon be diffi-

cult, if not impossible, to locate the scrip on good land. The agent mentioned can furnish full and complete instructions, with forms for the proof required, and can transmit the proof when furnished to him by the counties. Before the money due the counties can be paid, or the scrip issued, it will be necessary that the title of the State to the lands sold by the General Government shall be relinquished. As the State's title has been transferred to the counties, no relinquishment can be made without their consent. I therefore recommend that an act be passed, authorizing the Governor to relinquish the title of the State to the lands referred to, whenever the counties shall authorize him so to do. Under existing circumstances this is the only practicable course. I also recommend that, by the same act, the Treasurer be authorized to receive the moneys and scrip due the counties, deposit the same in the Treasury, and to cause the payments thereof to be made to the authorized agents of the counties.

#### WOLF ISLAND.

Under the law authorizing the appointment of a commission to act in conjunction with a similar agent on the part of Kentucky, to adjust and settle the boundary, at Wolf Island, between the two States, Judge James W. Morrow, of Cole county, was first appointed on the part of this State; but his health failing, he resigned, and Mr. R. A. Hatcher, of New Madrid, was appointed in his stead, from whom no report has yet been received.

#### COMITY BETWEEN THE STATES.

I have received resolutions adopted by the Legislatures of Maine, Massachusetts and New Hampshire, in reference to the institution of slavery. As their spirit does not accord with the liberality which characterized the bond of union which makes the several States one people, and, indeed, disregards rights recognized in the federal compact as sacred, I have not thought it proper to acknowledge their receipt,

and shall not furnish them to the General Assembly unless they shall be specially called for.

If the States would perpetuate their General government and secure to its citizens the good which it was intended to confer, they should not intermeddle with their respective rights, the protection of which were the considerations for entering into the original compact. A diversity of sentiments and opinions must necessarily exist, but such differences should be kept in subjection to a spirit of toleration.

I cordially congratulate the Legislature and the people of the State upon the results of the recent dangerous and treasonable efforts to engender discord and dissatisfaction relative to our domestic institutions. That effort was the legitimate offspring of the fanatical excitement which has for years disturbed the peace of the Union, and threatened the perpetuity of our republican institutions. It was originated in Europe by the enemies of free government, and introduced by their agents into this country under the plausible pretext of humanity and justice, as if there could be humanity in subjecting millions of ignorant and innocent beings to the operation of a system by which capital grinds the face of labor, or justice in violating sacred constitutional engagements, and destroying the guarantees of property. It little becomes communities in which the American Slave Trade had its origin, and to which all its pecuniary profits have endured, after the period has passed when it could be made profitable—to stigmatize those in whose care and custody the African race has been providentially placed, and among whom alone they have received all the offices of humanity. It still less becomes such communities, when it is considered that their manufactures, commerce and industrial pursuits, are mainly dependent for their success and prosperity upon slave labor.

It would be well for them to consider that all systems of labor are in a great measure regulated by climate, products, and other causes beyond the sphere of human foresight and legislation. It would be well if they would reflect that there are constitutional guarantees which, for the conservation

of liberty, law, social repose, progress and prosperity, it is far more important for us and our posterity to uphold, than any imaginary abstract rights can be. Governments and laws are not the offspring of a mere theoretical consideration of abstract rights, but the fruits of practice and experience. But these considerations have been disregarded or ignored by the fanatics who are plotting the destruction of the rights of the States and the guaranties of the Constitution. To accomplish their purposes they have shown themselves ready to unite with every faction, and every dissatisfied fragment of other parties. During the past year they have not scrupled to make common cause with those who avow their purpose to be, to disfranchise and degrade all who happen to have been born in a foreign land. It was the policy of our revolutionary fathers to encourage immigration, to open up inducements to it, to protect and shield, with fraternal solicitude, all who could escape the oppression of the old world and identify their destinies and hopes with ours. They did not imagine that those who had escaped the evils of despotism were likely to become enemies of the cause of freedom; nor that those who had been subjugated by tyrannical power, were in danger of becoming treacherous to a government resting in part upon their own will and intelligence.

It was reserved for the sagacity of speculating politicians of our own time, to discover that the framers of the Constitution had overlooked the dangers to be apprehended from foreign emigration. It was these latter-day politicians who discovered that the danger of foreign influence, apprehended by our forefathers, was not the influence of tyrannical foreign governments, but that of the honest emigrants who sought shelter under our government, to avoid the oppression of their own. It was reserved for them to organize a party to make war upon those of foreign birth, and to stigmatize them as unworthy of liberty, unfit to enjoy its blessings, and as traitors to the country which had shielded them in their time of need.

With this party the so-called Anti-Slavery party has

coalesced in all the Northern States, as well as with other, and in themselves, less dangerous factions. It is against this combination that it becomes every friend of the Union and the Constitution to unite.

I have seen nothing to apprehend from our foreign population. They are our own kindred, and have a common interest in aiding to perpetuate our free institutions. To them we owe much of our progress in the sciences, arts and literature. We are indebted to them for the successful construction of nearly all our railroads and other great public works. We are indebted to them for opening and settling large quantities of land which otherwise would have remained unproductive. We are indebted to them for the exhibition and application of a large amount of mechanical skill and industry. They have added vastly to the power and wealth of the country. They are as patriotic as other citizens, and have evinced as much readiness to take up arms in the common defense of others. If permitted to enjoy in peace what is secured to them by our constitution and laws, they and their children will naturally fuse with our people of native birth, and all will become one people. It is this unhallowed war upon them which tends to develop the prejudices of former and distinct nationalities. Nor, as is alleged by their enemies, does their existence here tend to physical or moral deterioration. The pages of history teach otherwise. Nations and races, as well as families, which preserve distinct existences, in the progress of time, wear out. Their originality, energy, intellect and morals slowly decay, and leave them with all the vices of civilization, without its vitality and power. It is difficult now to recognize as the same race the descendants of some of those who, in ancient times, refined the world with their discoveries in the arts and sciences, and conquered with their prowess all with whom they came in contact. On the other hand, it is easy to trace the rise and progress of all great modern nations to the vital forces engendered by the mixture of races and nationalities. Whilst the so-called Republican party do not hesitate to make common cause in the crusade

against the rights of our foreign-born citizens, they imagine they will have no difficulty in controlling them, through their prejudices against slavery, and in inducing them to avoid in elevating their own worst enemies to power. In this they will find themselves mistaken. It is not the name, but the substance of things, which is of importance. Slavery exists in the world in more forms than one. In Russia it is in the form of serfdom; in France in that of absolute political dependence; and in England in a dependence of labor upon capital for the means of subsistence.

In the United States, where it is protected by law, it exists in its mildest and most humane form, because it provides for seasons of sickness and distress, secures personal comfort, and is surrounded and hallowed by all the sanctities of domestic sympathy and attachment. The struggle of the Abolitionist is not to elevate the negro to the dignity of the white race, but to degrade white labor, and reduce the laboring classes, particularly the foreign-born, to the level of the negro—to induce, in fact, the English system of slavery—the dependence of labor upon capital—of all the forms of slavery the one which is best calculated to engender sentiments of hostility to the social system, and render the laboring classes helpless, dependent and wretched. The great and leading arguments of these parties is, that white labor is cheaper than slave labor, and is, therefore, preferable—an argument which is not out of place in the mouth of the capitalist, but which it will be found hard to make the laboring man appreciate. I have no fears that any great portion of our citizens can be long misled by these specious and delusive theories. It is certainly true that even the longer our foreign-born citizens remain in the country, the better they are satisfied of the fallacy and hypocrisy of Abolition logic.

In our own State one stubborn fact now exists, and has always existed, which, in the minds of the reflecting man, constitutes a full reply to the whole of it, and that is, that white labor received higher wages here than in any of the so-called free States of the Union. But the enemies of the

Constitution imagine themselves wise in their generation, and hence vary the forms of the issues according to the localities in which they are to be urged. In some localities, they openly declare hostility to the Federal Constitution. In others, whilst they pretend to respect its forms, they propose to violate its spirit. In others, they disavow any purpose of disturbing the institutions of the States by Federal legislation; and finally, in others, propose to reach their ends through the instrumentality of State legislation. In the last respect, the issue was recently presented in two of the cities of our own State, where it was hoped the prejudices of a large number of our foreign-born citizens could be excited and played upon with success. It was a miserable and abortive effort, based upon an entire misapprehension of the intelligence of our naturalized citizens, and the laboring classes generally; and met with such a rebuke from those to whom the appeal was made, we may rest assured that a long time will elapse before its discomfited leaders will attempt to galvanize it into existence.

Our laboring classes have investigated the cause which led to this insidious appeal to them to become themselves slaves. They have learned that the Emancipation laws, passed in the Northern States, were only intended to give ample time to take them from a country where their labor was not profitable and to dispose of them where it would be. They now see that the money arising from the sales of those slaves in the South, was applied to the construction of manufacturing to work up the raw material, which they had sent the negro south to make. They now understand the designs of that heartless monied aristocracy, which, availing itself of the riches they accumulated by the sale of their negroes under the hypocritical plea of philanthropy, undertook to use the power that wealth has over poverty, to put their own brethern, practically, in the place of the negro, because the skill and labor of the white man were more profitable to them. Our foreign-born citizens begin to see that this Abolition party, which in the North proposes to give the negro the rights of suffrage without admitting him



to full social equality, is only using him as a tool to aid in their own disfranchisement and degradation.

#### CHOCTAW NATION.

An application has been made by the Governor of the Choctaw Nation, to have copies of the Statutory Laws and the Reports of the Appellate Court of Missouri, furnished to that Nation, and henceforth to have the Nation placed upon an equality with the various states of the Union, in the interchange of books published by their respective legislative bodies. It is in accordance with the general policy of our National and State Governments to extend, in every legal manner, the blessings of civilization; and I think it a moral duty incumbent on us, to aid the Red men upon the Western borders of the States, in their efforts to adopt our customs, forms of government, and habits of thought. And as there is no legal authority for the interchange solicited, I recommend that a law be passed, placing the Choctaw and any other Indian Nation within the limits of the United States that may adopt and maintain a republican form of government, upon an equality, in this respect, with the States. I have reason to believe that a similar request to that made of Missouri by the Choctaw Nation, had been affirmatively responded to by several States of the Union, and think Missouri will be equally ready in the reciprocation of kindly offices.

In conclusion, gentlemen, I would call your attention to the rapidly growing evil of special legislation, which tends to confusion in the administration of the laws. All general laws should be alike applicable to every part of the State, and to all persons, without exception. Having made these suggestions, I submit them to your consideration with full confidence that you will, in your deliberations, do whatever the public good may require.

R. M. STEWART.

## ADJOURNED SESSION MESSAGE

NOVEMBER 29, 1859

*From the Journal of the Senate, pp. 6-17*

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*Gentlemen of the Senate, and of the House of Representatives:*

Having constantly mingled with your constituents during the last few months, you have doubtless thought and obtained from them information, the want of which occasioned the adjournment of the General Assembly. From the expression of the people, so far as any has been obtained, you have probably seen, that a large majority are in favor of the completion of our railroads; that, within a reasonable margin of the limitation of the State debt, it is manifestly the wish of the people that State aid shall be given in such manner as will be most certain to secure the desired end, and best calculated to protect the interests of the State. The people are evidently convinced, that, so far as the finances of the State are involved in our railroad enterprises, there is less liability to loss in a further effort to complete them, than in withholding the aid it is in the power of the State to give. Everywhere our citizens are manifesting their appreciation of the advantages of railroad facilities, and are awaking to the importance of obtaining, at the expense of a liberal outlay, immediate or even proximate railroad accommodations. Private enterprise is now making the most vigorous efforts where, a few years ago, the people were almost wholly indifferent to public enterprises. The people now seem to realize the fact, that the completion of our great trunk roads will fix the position of Missouri as the *Central Empire State* of the Union; and that the failure to complete them will inevitably put her in the position which the enemies of the system have supposed their completion will do—a condition of oppressive taxation, crippled energies, and retarded prosperity.

While the people, by private means, and through county

subscriptions, are ready to contribute liberally, it is evident that State aid is also necessary; and with what can be given, the people will push the roads through at an early day. Then, from the border of Kansas to the Mississippi, and from Iowa to Arkansas, the State will be intersected by the iron track, and become the great central thoroughfare of the nation. Nor will the spirit of public enterprise be arrested in its efforts by the completion of these trunk roads. They have created an impetus that, at no remote period, as in many of our sister States in the West, will give us an iron network, supplying railroad facilities to every portion of the State. And these branch roads will serve as so many feeders, and add immensely to the business of the roads, to the construction of which the State has so largely contributed at a time when aid could be obtained in no other way, and without which the *car of progress* would yet have been almost or wholly a stranger in Missouri.

It is needless now to refer to the causes which, during the incipency of our system of Internal Improvements, made it impossible for us to enlist capitalists in our enterprises, while other States could in theirs. It is a fact known to all who have any acquaintance with our earlier efforts. The only alternative was the one adopted; and the result of our resorting to this has given Missouri a name she could have attained by no other means, until a period indefinitely in the future. The rapid increase of population, the thrift, the spirit of improvement, the enhanced value of property, and the luxuries of life now enjoyed in our midst, would have been reserved for a future generation.

Nor has the foolish cry of oppressive taxation any justifiable basis. Improved facilities for transportation and travel, through a productive and cultivated country, carry with them more than an equivalent for their cost, in the enhanced value of its products; to which are added inducements for the occupancy and thorough improvement of *all* the available resources of the country, increasing both the quantity and value of taxable property, and furnishing to the neighborhoods through which they pass, at a trifling

individual cost, the physical conveniences, the means for mental and moral culture, and the social advantages and enjoyments, without which civilization is comparatively a blank, subserving no other end than a crude supply, to the masses, of their physical necessities.

A cursory glance at the history of any community within our knowledge will indelibly impress this fact upon the mind: that just in proportion as a community is provided with facilities for reaching market, furnishing an easy, expeditious, and cheap mode for a commercial interchange of commodities, does that people become industrious and prosperous; and that, in the same ratio, do the means for travel, and the consequent commingling of different communities, tend to the increase of general intelligence, promoting an enlightened and liberal public sentiment, and augmenting the sum of human happiness.

The chief objection urged against any further increase of the public debt, is the danger of taxation. As has been repeatedly stated in former messages, if the burthen of the entire debt incurred by the loan of bonds to our railroad companies should ultimately fall upon the people, they will have received an equivalent in the enhanced value of property; and the means for the payment of the incidental increase of taxation will also be realized, manifoldly, in the increased value of marketable products.

No argument is necessary to show that lands are valuable just in proportion to their proximity to market, or to facilities for reaching market. Land so remote from market that it costs more to transport its products to the place of consumption than their market value, is, in this condition of things, worse than valueless for agricultural purposes. If so located as that the transportation of its products is equal to their market value, it is still commercially worthless. If located where the cost of transportation is equal to three-fourths of the market value, its occupants are still in a pioneer condition—effectually cut off from nearly all the advantages of commerce, and illy remunerated for their toils and privations. But just in proportion as the distance

from market, or the cost of transportation, is diminished, does the value of marketable commodities increase at the place where produced, and the cost of transportation is lessened in proportion to the increase of facilities—the comparatively easy and speedy mode of conveyance. Thus, because of the difference in the value of its products, land which before the introduction of railroads, was worth only three to ten dollars an acre, and with difficulty sold at its nominal value, is now, by reason of railroad facilities, readily sold at fifteen to fifty dollars an acre. In many instances the increase is even much greater; while in others, and in the ratio or remoteness from improved facilities, is the percentage of the appreciation less. Where land has advanced in value five-fold, it is because of the profits realized upon its products are, or can be made to be, five times what they were. If it cost forty cents to raise a bushel of wheat and fifty cents to transport it to market, and its market value was one dollar, the producer made a profit of ten cents per bushel, or realized ten cents for the use of the ground on which that wheat grew. But if, while the cost of production is no greater, it costs only ten cents to carry it to market, the producer realizes a profit of fifty cents per bushel, or five times as much as formerly; and the land is worth to the one who cultivates it, five times its former value. The more speedy conveyance also gives him an earlier return, and the certainty attending transportation by railroad, enables the shipper to regulate his movements by the condition of the market. These are additional advantages that are often important. The consumer also enjoys the benefit of cheap transportation upon the merchandise he needs; and he buys of his merchant at a smaller advance upon wholesale rates (besides the difference in the cost of carriage) because, as the merchant can replenish often, he is not obliged to add to an otherwise “living profit,” a large percentage on a stock laid many months in advance of sale. These advantages, it is easy to see, increase the value of lands; and, altogether, add largely to the ability of the tax-payer, who, though taxed according to the increased valuation of his property, has,

after paying his additional tax, a large percentage of his increased profits left.

But leaving out of the account the saving in profits upon products, and of interest upon capital invested, the single item of the value of time saved in travel, by citizens of the State, will be more than equal to the State debt incurred in the construction of our roads. And, it being conceded that time is money, the time save is so much added to the aggregate wealth of the State.

If it is urged that property holders cannot so easily hold on to unimproved and unproductive lands, when the taxes are increased upon them, let those who suffer the inconveniences of a sparse population, growing out of the fact that they are surrounded by lands held by non-resident speculators, say whether the larger taxes of cultivated fields, domiciliary improvements, herds and flocks, and incidental personal property, would not materially assist in building roads and bridges, school-houses and churches. And whether a denser population would not add greatly to the social advantages of their neighborhoods—scholastic, religious, diversity of employments, and in the convenient interchange of neighborly offices. Let citizens of counties that have a scanty population, and large bodies of unoccupied lands, say whether the occupancy of those lands by thrifty farmers, would not help them to build jails and court-houses, and the bridges that are a county tax.

Taxes! If, in giving further aid to our railroad companies, the State debt is increased four million dollars (which is all that, perhaps more than can be done) it would amount to about four dollars to each person in the State—and average of about twenty dollars per family; and the interest, per family, at 7 per cent., (about an average, allowing for the discount on the bonds,) would amount to one dollar and forty cents per annum. Shall we refuse this amount of aid to our railroad enterprises, with the prospect before us that it will secure the tax-payers of the State against any taxes upon a debt of thirty millions, when a refusal to grant this pittance will certainly entail more than half that amount

of debt upon us, and all the incidental evils before referred to? Could we, on the score of political economy, perpetrate a greater folly? Shall we refuse this little additional aid, in view of the fact, that the roads themselves will be taxable property at their fair valuation, and that their early completion will stimulate other railroad enterprises in the State, the property of which will also be taxable? Shall we, with a miser's grip, hold on to the four millions, and crush the spirit of enterprise from which so many advantages are derivable? If the State is ultimately saddled with any portion of the debt incurred in the loan of its bonds, the taxes upon the tributary roads, with that upon the trunk roads now in progress, will assist in bearing the burden; indeed, would soon pay a larger tax than the State is in any danger of having to pay upon its railroad bonds—a view of the subject that seems to be almost wholly overlooked.

The advance in the price of lands along our several railroad routes, is known to us all. And this is realized wherever a railroad or any improved mode of conveyance is constructed, even where the lands are poor, comparatively, and all previously under cultivation. How much more, then, may we not expect from our Internal Improvements, through lands of unequaled fertility, and mineral deposits, rich beyond comparison, and inexhaustible.

And this enhancement in the value of property and increase of wealth, will be permanent, and in the West, for a very long period, must be constantly progressive. To the earlier settlers prices of property now, in many instances, seem exorbitant; but the process of appreciation in real value has scarcely commenced. This will be more manifest by a reference to the experience of older communities. The following table, compiled from authentic sources, shows the assessed value of real and personal property in the City of New York, for each year, from 1815 to 1856. It affords a most conclusive argument in favor of Internal Improvements, and, beyond the possibility of any successful assault, vindicates the wisdom of the policy adopted in this

State, and which now needs the fostering care of government to a limited extent to become a triumphant success:

ASSESSED VALUATION OF REAL AND PERSONAL PROPERTY  
IN THE CITY OF NEW YORK, FROM 1815 TO 1856.

Date.	Amount.	Remarks.
1815	\$80,636,042	Peace with Great Britain.
1816	82,074,201	
1817	78,895,725	
1818	80,245,091	
1819	70,113,061	
1820	69,530,753	
1821	68,282,070	
1822	71,289,144	
1823	70,940,820	
1824	83,075,676	
1825	100,160,046	Erie Canal opened throughout.
1826	107,477,780	
1827	112,211,926	
1828	114,019,533	
1829	112,516,026	
1830	126,288,518	
1831	139,280,214	
1832	146,302,618	
1833	166,495,187	
1834	186,548,511	
1835	218,723,703	Ohio Canal completed to Ohio river.
1836	309,501,920	
1837	263,747,350	
1838	264,152,941	
1839	266,789,230	
1840	252,843,163	
1841	251,777,702	
1842	237,806,901	
1843	227,997,091	
1844	235,960,047	Western Railroad of Massachusetts completed,—diverting trade from New York.
1845	239,938,318	
1846	244,952,505	
1847	247,152,306	
1848	254,192,027	
1849	256,217,093	
1850	286,085,416	
1851	320,108,358	
1852	351,706,796	
1853	413,631,443	
1854	462,021,734	Hudson River Railroad completed. New York and Erie Railroad completed.
1855	486,998,178	
1856	511,746,491	

In addition to the two roads above named, 1041 miles of railroad were completed in the years 1850 to 1855, inclusive.



It will be seen upon inspection, that no advance was made on the assessments from 1815 to 1823, (during which time New York had no Internal Improvements;) but that, on the contrary, they decreased in those eight years \$11,000,000. In 1824 a considerable part of the Erie Canal was in operation, and the assessments advanced \$12,000,000. In 1825 the Erie Canal was completed, and they increased \$18,000,000 more. They then advanced at the average rate of about \$6,000,000 per annum, until 1832, when the completion of the Ohio Canal, which extended the influence of New York to the Ohio Valley, caused the assessment to rise, for three years, at the rate of \$24,000,000 per annum; while in the next year, (1836) they rose the almost incredible amount of \$90,000,000. This was, however, an excessive and unwholesome growth, and the terrible financial crisis which followed, together with the great fire which destroyed such an immense amount of property, not only arrested the advance, but put back the dial of prosperity for a time, so that in 1840 the assessments had fallen \$57,000,000 below those of 1836; being less than \$253,000,000, though still \$106,000,000 more than in the year the Ohio Canal was completed. In the following year the Western Road was completed to Albany, connecting there with the Erie Canal and in 1843 that road, now known as the New York Central, was extended to Buffalo. The New York assessments consequently fell to less than \$228,000,000, a lower point than they had touched since 1835—eight years before.

But New York, now seeing the advantages accruing to other points from direct railroad communication, in the increase of commerce and the enhanced value of property, became thoroughly aroused to the importance of a railroad system centering in that city, and commenced the Hudson River Railroad, revived the New York and Erie, which had been suspended, and began the construction of numerous other works of minor importance. Upon the completion of the first of these, in 1850, the assessments rose \$30,000,000, and with the opening of the second in the following year \$34,000,000 more; and since that time, with similar gigantic

strides, that great city has marched onward without faltering. Ten hundred and forty miles of railroad, beside the two named, were opened to public use in the State of New York from 1850 to 1855, inclusive, all tributary to the great metropolis. No prophet is required to predict her future, for she holds her destiny in her own strong grasp; and the truth-telling figures above given, indicate the nature of the foundations upon which her prosperity is based. No man who examines them without prejudice, can doubt that they are the railroads and canals which bring the wealth of an empire to her doors.

The city of New York, in 1696, had a population of 4,300 which was about the same that St. Louis had in 1820. It took the first about 130 years to attain a population of 180,000, which St. Louis has reached in 39 years. In the past eight years the assessments in St. Louis, have increased from \$30,000,000 to \$86,000,000, being now \$3,000,000 more than those of New York in 1824, the year before the Erie Canal was opened throughout. With the completion of the carefully planned works which constitute the Missouri system of Internal Improvements, and their inevitable and almost illimitable extension into our sister States and Territories, a similar result to that which New York experience has foreshadowed, will in due time become a part of our own history. St. Louis, by her geographical and commercial position, must be the distributing and manufacturing center of the Great West—the *Central Empire City*—the real metropolis of a region whose agricultural and mineral resources are almost boundless in extent and richness.

Nor has St. Louis been unmindful of her obligations to aid in the construction of these works, which, while they enrich the whole country through which they pass, must also pour wealth into her own lap. She has contributed in municipal and individual subscriptions \$7,500,000 to railroads, and also, without grudging, has paid her quota of taxation, which is a very large one, towards a relief of the State's burthen. With the additional power which the

completion of these works will give, she will be enabled to aid more efficiently the further development of Missouri; and her past efforts indicate that she will not be wanting in liberality towards this important end.

The preceding figures prove conclusively, that the canals and railroads leading to the city of New York, far more than paid for themselves, by the increased wealth of that city alone. The calculations have been confined to that city, on account of the space that would be required to extend the investigations to the whole State. If this were practicable the result would be startling and almost incredible. It was estimated before the opening of the Western Road of Massachusetts in 1840, that the Erie Canal (which had been opened through only fifteen years) had paid for itself in the increased value of real estate, within the State of New York, four hundred times over. Mr. Andrews, in his valuable report to the Secretary of the Treasury, on the Colonial and Lake trade, estimates the increased value of agricultural lands in the United States, by the construction of railroads, as equal, on an average, to \$7.50 per acre on a belt extending ten miles wide on each side of the road; or \$96,000 per mile; (leaving out of the calculation the enhanced value of property, less in amount, over a greatly extended area on either side and beyond the road;) and our own experience in Missouri proves this to be a very moderate estimate; for, as suggested above, the influence of these works extend far beyond the distance named; and the average increase within the belt is larger here.

Since the surveys of the Pacific Railroad were made, the assessments of Pettis county have increased from \$649,000 to \$4,050,000; and those of Johnson county, from \$749,000 to \$5,500,000, from 1852 to 1858—six years. This increase in these counties, which lie entirely inland, and away from the river navigation, has been in a great measure produced by the benefits received or anticipated from this work. As the extent which the road runs through these counties will be about sixty miles, the increase already has

been equal to \$135,800 per mile, although not a mile of road is in use in either county. It is a very moderate estimate to say, that one-half of this advance is due to the railroad, directly or indirectly, yet this hardly indicates what may be expected from the completed road. And this is shown by the results along the whole line of the Hannibal and St. Joseph Road, and on the others as far as built.

The roads of Massachusetts increased the valuation of that State, between the years of 1840 and 1850, from \$290,000,000 to \$580,000,000, and this in an old and populous State, where the lands are generally poor, compared with our own. The Nashville and Chattanooga Railroad, almost immediately after its completion, created a value by its influence on real estate, equal to about five times its cost.

And these results, which appear so large, when applied to agricultural lands, are far exceeded when applied to mineral districts. It is believed that no State in the Union, east of the Rocky Mountains, contains such abundant and varied mineral wealth, as Missouri. Iron, lead, copper, zinc, and coal, are scattered over the State and found in boundless profusion. We have every element that commerce requires, except the means of bringing our productions to a profitable market; and railroads only can supply the necessity. Already they have done much, but that which has been accomplished is nothing compared with the promise of the future, if we are only true to ourselves, and worthy of the rewards which have been placed within our reach by a bountiful Providence.

An impression prevails to some extent, that the benefits accruing from the construction of the trunk roads to which State aid has been extended, are restricted to limited belts through which they pass, and therefore partial in their influences upon the prosperity of the different portions of the State. But a careful examination of a map of the State will convince any one, that the same amount of railroad facilities could not be located so as to distribute their benefits more equally. The region on the southern line of the

State, midway between the South-East and South-West, is perhaps less benefited than any other; but with that exception the distribution to the several sections seems to be as equal and just as it could easily be. It is nevertheless true, as conceded in a former part of this message, that localities more remote from the roads derive less benefits than those which are nearer; but they are taxed accordingly. And no locality is entirely excluded from the advantages of facilities already afforded. Can any part of the South-West be singled out that would be willing to be deprived of the facilities for travel or transportation which the Pacific Railroad affords, even now? Could the South-East be induced to dispense with the conveniences now afforded by the Iron Mountain Road, and those they are sure to possess in the immediate future by means of the Cairo and Fulton Road? Would any portion of Central Missouri be willing to part with the facilities and pecuniary advantages resulting from the construction and operation of the Pacific and North Missouri Roads? Or could the people of Northern Missouri, anywhere from the Iowa line to the Missouri river, be induced, for any consideration, to part with the facilities the Hannibal and St. Joseph and the North Missouri Roads furnish to them? Let the representatives of the several counties recur to the past, compare it with the present, and then, as statesmen, as political economists, and as practical business men, answer these inquiries.

Again, the idea is entertained that because certain lines of road have had State aid, any and all others are entitled to the same. It is evident, however, that this could not be given without increasing the debt of the State to a magnitude that would destroy its credit; but if we would do this, the constitutional limitation now interposes an insuperable barrier. And it may be justly assumed that every railroad that may be built, connecting itself with either of our trunk roads, *has received State aid*. The Osage Valley and Southern Kansas Road will derive all the advantages it could if the Pacific Road had been built by the State to Tipton for its special benefit. This illustration

will serve for all other similar enterprises. If they connect with any of our present roads they will be thereby brought into railroad communication with other portions of the State, and of the Union, as much so as if the roads with which they connect had been built from St. Louis to the point of connection for the benefit of such enterprises. And besides, the trunk roads will have stimulated enterprise, brought capital into the country, caused the lands to be improved, and towns to be built, and excited a spirit of competition that will result in furnishing a large amount of means to the additional roads here contemplated. In these ways the State will have, directly and indirectly, contributed largely to further works of Internal Improvement.

In the present condition of affairs, then, it would be unwise and unstatesman-like for legislators to refuse to do all that can be done towards completing the roads now in progress, simply because they do not run through their immediate neighborhood or district of country. And those whose section of country already enjoys railroad facilities which State aid has contributed to furnish, would be liable to the imputation of extreme selfishness in refusing to vote assistance to roads in other sections, yet incomplete.

Nor should those whose convictions would lead them to sustain our present system, as far as possible, be deterred by the determined and violent opposition of a few who are now sounding the alarm about taxation. They have ever been opposed to any system of Internal Improvements, and and only change their tactics to suit surrounding circumstances. That many persons have been alarmed by the outcry can not be doubted; but that alarm has in a great measure subsided, and as you have undoubtedly seen, the "sober second thought" of the people is in favor of a liberal policy.

Bad management on the part of some of our roads, and unwise contracts, have also had an influence upon the public mind, creating strong prejudices; but with these obstacles removed the objections should cease; as neither the contracts nor the alleged lavish expenditures in other respects,

necessarily attach to the system. They can be avoided, and should be carefully guarded against in the future. Every extensive business involving the necessity of agents or clerks, is liable, in some measure, to mismanagement from incompetency, inability to foresee all that is incidental to the adventure, or from dishonesty. Our Internal Improvements could not reasonably be expected to be wholly exempt from misfortunes that are common to all kinds of business; but this is no reason why we should increase our hazard, or so manage as to make the worst apprehensions of the timid and inevitable evil.

It is a matter of history that very few works of Internal Improvement have ever been conducted under the sole direction of government that have not resulted disastrously. It is therefore evident that it is not the true policy of Missouri to take possession of the roads forfeited to the State, with a view to permanently undertaking their management. But if it is thought advisable to relieve the companies for a time from the penalties of forfeiture, and to extend further aid, in order to their completion, it will be both just and wise to grant such aid, upon the condition that the State is allowed a voice in the several Directories. Companies, the largest share of whose means have been obtained through the sale of State bonds, could not justly object to this, if it is demanded.

Since the adjournment of the General Assembly, I have, in conformity with my duty, extended every legal facility possible, to keep our railroad enterprises alive, and to urge forward their construction. And this has been done against the advice and remonstrance of the enemies of our Internal Improvements. I have given every facility in my power to the present energetic Directory of the Pacific Road, to enable them to progress with the construction of the South-West Branch, which has been pushed forward during the recess with laudable vigor. Early in the season I placed in the hands of an agent, nine hundred of the bonds authorized to be issued in behalf of that road, making 86 cents the minimum rate of sale. Up to the 7th inst., three hundred

had been sold at the price named, and the proceeds applied to the construction of that road; and the prospect is, that all can soon be disposed of on as favorable or better terms. It is hoped that the action of the General Assembly may not throw any obstacles in the way of the anticipated further sales, or of the rapid progress of that very important road.

While referring to the South-West Branch Road, it may be proper to allude to an opinion entertained by many, that the General Assembly has the power to dissolve the present relation of the two branches, making their interests distinct, and giving them a separate Directory; in short, to make them two distinct corporations. A moment's reflection will enable any legal gentleman to see that vested rights have already accrued to the Pacific Railroad Company, of which it is not the province of the General Assembly to divest it; and that a division of the interests involved can not therefore be accomplished by legislation. Any efforts to that end could only result in protracted litigation, to the great detriment of all parties concerned.

Before concluding my remarks upon the subject that is likely mainly to engross your attention during the present session, I beg leave briefly to refer to the opinion entertained by some, that we have no right to entail a public debt upon posterity. If we undertake any public enterprise necessary for the common good that will benefit our successors as much as ourselves, it is difficult to see any injustice in imposing upon them a part of the burthen, proportioned to the benefits. The rule of action forbidding this would greatly restrict our usefulness, because it would preclude the possibility of the accomplishment of many works of utility, permanent in their character, and therefore equally serviceable to posterity as to ourselves. By this rule of action we would be prevented from incurring debt in the rearing of public edifices which are to last perhaps for ages, and subserve the interests of many generations; and so of city sewerage, culverts, water-works, public landings, and many other public improvements, demanded by commerce or needed for sanitary purposes, equally valu-



able to a future generation, and which the present generation could not altogether supply, except through the means of public credit. We would also be forbidden to incur a debt necessary in carrying on a defensive war, by which our liberties and sacred rights might be preserved and become the heritage of our children. It is not contended that we have any moral right to incur debt recklessly or needlessly. And it is clear that, beyond the measure of benefit, we have no right to incumber the heritage of those who take our places.

With agricultural resources unequalled by any other State in the Union; with soils of unsurpassed fertility, variously adapted to the production of nearly all the necessities of life, and eminently so to most of the marketable staples, including all the cereals, corn, hemp, tobacco, the various grasses, and every description of fruits, including the grape, for the production of which a portion of our State is equal to any portion of Europe; and with mineral resources boundless in extent, embracing all the most useful metals, (the possession of which tends greatly more to the permanent prosperity of a country than the precious metals,) together with many of the minerals of secondary importance, it becomes alike our duty and our interest to provide facilities for transportation, suited to the development of these resources, and to the spirit of the age. A ten-fold increase of the population now in the State would add to the prosperity of those already here; and while the several states are holding out inducements for immigration, shall we, with our superior advantages, remain listless, and let the active, eager millions of human beings who are thronging the thoroughfares of the country in pursuit of subsistence and a home, pass us by upon the right and left, and thus allow our millions of acres of virgin soil, and our inexhaustible mines of coal, and deposits of iron, lead, copper, and other minerals, to remain a useless expenditure of the munificence of Heaven? Do we not enhance the value of the heritage of our successors, and contribute to the general good, by public works of permanent utility, that will bring these vast resources into use?

But the question, in the present state of things, is not, virtually, whether we shall burthen posterity with debt; but rather, how much of the debt already incurred, can we, by judicious management, secure the liquidation of, in accordance with the original intention. I believe that every dollar of it can thus be provided for. It is only necessary that this General Assembly shall *will* it, and devote their abilities to its achievements.

One very important result accomplished by the construction thus far of our present railroads, is that of having made the people acquainted with their utility. The increased value of property and the general prosperity caused by the introduction of this system, has produced the conviction upon the public mind that the best possible way of advancing individual interests, is to contribute a portion of private means in aid of public enterprises. This result is already observable in various portions of the State, where railroad projects are received with great favor; and, where cash means can not be commanded, lands are freely subscribed or mortgaged, in the full belief that the portion of landed property reserved, will, with railroad facilities, be worth more than the whole estate would have been without them.

This fact is a verification of the axiom, that duty and interest go hand in hand. It is unquestionably true that public and private interests are so blended, that in promoting the former according to our means, we also promote the latter. In the more ordinary demands upon our liberality in behalf of public measures—the building of school-houses, churches, county buildings and common roads and bridges—this principle of economy is more generally understood and appreciated. But it is equally applicable to this more modern economy. The magnitude of the enterprise at first excites timidity and distrust; but by a little experience these are dispelled, and the mind is aroused to the fact, that this is an age of progress; that a stand-still policy is no longer safe or desirable; in fact, that it is impossible to stand still, that if we will not advance, we must retrograde

in the various elements of prosperity. These are the convictions which our public works have forced upon the citizens of our State; and this single effect in no very extended period, will add more to the wealth of Missouri than our roads have cost. And it insures the completion of our present enterprises with what the State can yet do.

It is hoped that the discussions of the great measures of the session, involving as it does momentous results, will be entered upon without regard to party considerations, and that your final action will accord with the dignity and responsibility with which you are invested.

The Capitol Grounds will, before your final adjournment, claim a share of your attention. The importance of making provision for completing their improvement, is too manifest to require any argument. In their present condition the labor already done is rapidly going to waste. In them can be seen, from the windows of the Capitol, a practical illustration of what will be the condition of the State, if the negative policy shall prevail.

If, after these matters are disposed of, the General Assembly determines to enter upon the general subjects of legislation. I shall submit any facts or suggestions which, in my opinion, the public good demands,

Very respectfully,

R. M. STEWART.

## SPECIAL SESSION MESSAGE

FEBRUARY 29, 1860

*From the Journal of the Senate, pp. 12-16.*

*Gentlemen of the Senate and of the House of Representatives:*

With my brief message before you, delivered on the eve of your adjournment on January sixteenth; and also my proclamation convening the General Assembly to-day, it is wholly unnecessary for me to say much in reference to the objects of this session. They are well understood by all of you, and I doubt not you have returned duly appreciating their importance.

The necessity of making prompt provision for liquidating the debts of the Penitentiary, and of making the appropriation necessary to carry forward the improvement of the Capitol Grounds—completing the grading, building the interior walls, and inclosing the whole area, all, or a very large portion of which ought to be done this season—will be so apparent to you, that I need only to allude to these interests. You will doubtless dispose of these matters before entering upon the discussion of the more difficult subject requiring your action. When you learn that many of the creditors of the Penitentiary, farmers and others who are illy able to sell their produce on a credit, have done so because of the necessities of the institution, and that they are suffering for the want of their money; while, at the same time, it is in the Treasury, and that the labor of a few minutes only is necessary, on your part, to furnish the desired relief, and save the Penitentiary, henceforth, for having to pay, in the way of increased prices, for the credit extended to it, you will not hesitate. It is an institution incident to government, and is indispensable to the protection of law-abiding citizens, and its expenses must necessarily be met. And while the labor of the convicts is being appropriated to State purposes, provision for their sustenance should not be grudg-

ingly measured out to the officers to whose keeping they are confided. As heretofore stated, our present Penitentiary system, when the improvements now in progress are completed, will, under good management, be self-sustaining.

In anticipation of this session, and of your favorable action; and because a large number of convicts must otherwise remain idle ( which would be both a loss to the State and cruel to them,) the work upon the Capitol Grounds has been resumed, and also a considerable force set to work in the quarry, getting out the rock needed for the inclosure and interior walls. I feel assured that you will make whatever appropriation is necessary to cover expenses already incurred, the cost of railing, the teams and implements needed, expense of moving the rock, and all indispensable cash expenditures. Nothing should hinder the completion of the work at the earliest practicable moment, as, on account of the topography of the Grounds, they are liable to great damage from every heavy rain.

So much has been said in behalf of our railroads it is hardly necessary to more than refer to the subject. All agree, that if it were practicable, the interests of the State and the prosperity of the people, would be prompted by granting the State aid necessary to carry forward the work of construction with the utmost dispatch. All must see, that the extension of our roads to the commercial points, or the places where they will connect with the great thoroughfares of travel and commerce, of which they are to form important links, must greatly augment the ratio of their business over the number of miles thus added, and thereby increase, to a corresponding extent, not only the percentage of receipts over current expenses, but the percentage upon the cost, per mile, of the roads.

It is seen, too, that their completion would tend much to equalize, as well as extend their benefits; and although the advantages to many would still be remote and the benefits comparatively small, (though by no means inconsiderable,) yet the equalization, in the matters pertaining to State revenue, would be greatly extended, through the en-

hanced value and rapid increase of property in the vicinity of the roads; because the burdens of taxation would be correspondingly light in localities remote from railroad facilities. It is plain, therefore, that the country remote from such facilities, is greatly interested in completing our railroads to which aid has already been extended, now that heavy liabilities have been incurred which must be provided for, as we will thereby increase their value as much as possible, and the aggregate and value of property in the regions of country proximate thereto.

It is universally known, that, in my opinion, our unexpended margin, within a reasonable limit, ought to be appropriated in aid of the completion of our roads, and upon conditions that are practicable; while, at the same time, the companies should be required to rely, in part, upon other sources, and thus constrained to use every possible economy in their expenditures. All uncertainties in regard to the faithful application of the aid granted, should be guarded against as far as possible. This is alike demanded by the common interest and by public opinion.

As I have before stated, if the unappropriated balance yet at our disposal, or so much of it as can be safely so used, is judiciously distributed to our unfinished roads, and under conditions having just reference to other available resources, it will carry us beyond any reasonable danger of failure. Property holders, and counties in their corporate capacity, will find it their interest to complete whatever remains unfinished. And with the immediate prospect of railroad advantages, county bonds would find a ready market at satisfactory prices. Liberality on the part of the State will find a ready response in the enterprising spirit of citizens and capitalists, who will be encouraged to earnestly cooperate with the State in its efforts to protect its own interests, and thus, incidentally, to promote theirs. The experience of other States where the people have turned out their forces and worked upon their railroads as upon common roads, would be realized here, if by State aid and other available means a prospect of early success was thus opened up to them.

And in our estimate of the ability of a people in a work of this kind, we are not to be limited to present population and wealth—a common error in the calculations of those who are looking distrustfully upon our future; for to our lines of railroad and the proximate country, population and capital are attracted, and are thus made continuous centres of enterprise, thrift and wealth. The population and wealth of to-day are no longer standards by which to estimate them a few months hence. Let it be manifest that the policy of the State is fully determined upon; that the State is disposed to foster its present enterprises to the extent of its ability, and that it has made provision for the wise expenditure of its remaining means, and we may rely upon it, that the people, now and to become citizens of the State, will take hold with an energy that knows no such word as “fail.” A tide of population will flow in all along the routes of our unfinished roads—people possessing means, public spirit, and energetic business habits; thus greatly assisting us in our efforts and lightening the apprehended burden. The amount of means that will be thus brought in to aid us cannot be estimated. From the day our purpose becomes a certainty, our policy a fixed fact, and the amount of means yet to be raised ascertainable, we may look for a continued influx and localization of population and wealth, and unremitting efforts in behalf of these great interests.

After all that has been said concerning the influence of railroads in the development of the resources of a country—inducing immigration, stimulating all the energies of a people in every department of human industry, increasing its agricultural products, giving encouragement to all the mechanical branches, bringing into existence extensive manufacturing, creating and extending its commercial relations—in short, giving to all the active pursuits of life, vitalizing and bringing into action all the latent energies of a people, and calling into use the hidden stores of mother earth, (which in our State are manifold)—it is needless to enlarge upon these topics. I merely allude to them for the purpose of again reminding you of what I have before said in

reference to taxation: that to whatever of taxation the people of this State may be liable, resulting from the aid given to our railroads, it is not to be borne alone by the present population of the State, nor to be derived from the present aggregate of taxable property. I need not say anything more in regard to the improbability that any considerable part of the interest accruing upon our bonds will long continue to be a tax upon the people, if we act wisely now; nor need I again express the opinion, that if it were all a tax, the people are richer with the roads and the debt, than they would have been had not the railroad impetus been created, as it has been by State aid, which, at the time, was our only available means.

By the time our bonds have all become due the population of Missouri will have been increased eight to ten-fold, and our taxable wealth in a corresponding ratio; so that the liquidation of the debt, even if it had to be done by taxation, would hardly be felt. And this need not be to any considerable extent, if at all, if we do not now, under the impulse of groundless apprehensions, needlessly precipitate ourselves into an abyss of financial troubles. "Onward and upward" should be our motto until success shall have crowned our highest aspirations with success.

The design of our unfinished roads, in addition to the development of the resources of our own State, was two great lines of travel and trade from the extreme North to the Gulf of Mexico, making St. Louis (the Mistress of the Valley) the point of concentration. In this respect our railroad system conforms, in its main features, to the great natural channels of commerce, the Mississippi and Missouri rivers; the North Missouri road tapping the upper valley of the Mississippi, while the main stem of the Pacific road, with its extension by means of the Platte County road, is intended to reach the upper Missouri river valley. And, forming a junction at St. Louis, the Iron Mountain road is their proper southern outlet; the intersection of which with the Cairo and Fulton road will ultimately extend that outlet through Arkansas, connecting at Red river with the railroad of



Texas, thus furnishing an unbroken thoroughfare to the Gulf in a south-southwestern direction, and connecting, as it should, with the southern roads east of the Mississippi, will also give us an unbroken railroad connection with New Orleans, (the natural outlet of this great valley,) besides placing us, as heretofore stated, in communication with the whole southern and south-eastern portion of the United States. The extension of the Iron Mountain road to the Cairo and Fulton road—some sixty or seventy miles—will partially accomplish this result, and add much to the tide of travel through Missouri.

In addition to this system of roads, between which and our great navigable thoroughfares an imperfect parallel has been shown to exist, we have the South-Western Branch, which, while it is not less important as a link in the great chain of communication between the East and the West, is to serve a large body of country within our own State, that has no natural outlet.

I need not add any further arguments in behalf of the completion of our roads. Their utility in the promotion of the prosperity of our people is self-evident. The protection of the finances of the State too apparently demand it. The difference between our present debt and the amount to which it can be increased, is too insignificant for the people of the great and growing State of Missouri to cavil about, especially in view of the immense benefits to be derived therefrom. The trifle it amounts to per family—stated in a former message—is hardly worthy of mention; and from the evidences of public sentiment that have been elicited since the adjournment, I am confident that you will promptly do what can be done.

In regard to the fears sometimes expressed, that the emigration seeking homes in this State, or that those who may be induced by our Internal Improvement system or other evidences of public spirited enterprise, to settle among us, may endanger any of our cherished institutions, I will take this occasion to say, that, in my opinion, it is altogether groundless—a causeless and fruitless apprehension; fruitless

because nothing that is not detrimental to our general prosperity, can be done by legislation to check or change the tide of emigration. If it were possible to arrest all efforts on the part of our citizens for improvement; to bring into abeyance all public enterprises, and all desire for public conveniences, we might temporarily, by legislation, measurably discourage and deter emigrants from locating among us. But this could be only partially effected, and sooner or later our goodly heritage would be possessed by those who could appreciate it, and would bring into use, and thus contribute to the general wealth of the world, the manifold resources surrounding us. But these impulses cannot be subdued, nor these efforts even temporarily held in check. The human mind is continually acquiring greater activity, and human energy, by means of the sciences and arts, greater vigor and potency; and those who undertake to stay the wheels of Progress, are either left behind or overcome. It is too late to talk about danger to our institutions from immigration; for immigration will come, and from the four corners of the earth. The principles and form of our government invite it; the spirit of the age invites it; our climate and resources invite it, and we might as well extend to it the friendly hand and a hearty welcome. We have room for them, and they will do us good if we are true to our own interests. It matters not where our capital comes from, if properly used. Nor need we regard with a distrustful eye, the human heart and human energy devoted to lawful pursuits of industry, if we take care not to entrust the one, or to misdirect the efforts or thwart the laudable purposes of the other.

Notwithstanding the apprehensions felt for the safety of the Union; the ominous threatenings of the sectionalism; and even the insane efforts of a few misguided spirits to subvert a State government, subsequent events have shown that all such efforts will prove fruitless; that sectionalists are shocked by these exhibitions of the tendency of the dogmas they have sought to impress upon the public mind. And the recent reunions, cordial greetings, and mutual pledges of fidelity, by the State authorities and Legislative

bodies of several of the adjacent States in the Ohio valley, from both sides of the Mason's and Dixon's line, are evidences, that a strong and abiding love of the Union is implanted in the hearts of the American people; and a guaranty that the rights our Federal and State governments were instituted to protect, notwithstanding their temporary disregard in some of the States, and their long continued violation in some neighborhoods and communities, *are to be* generally respected; and at no remote period, we may confidently hope, to be universally regarded as sacred. Though legislators and Legislatures may be occasionally frightened out of their propriety, and forget their obligations to the Constitution and the Union, there is a voice more potent than Legislative resolutions, more authoritative than sectional conventions; which voice, coming from the inmost soul of the American people, and reverberating from the Atlantic to the Pacific and from Maine to Texas, declares, as did the immortal JACKSON, "The Union must and shall be preserved."

Let emigration find a home in our midst, and a place in our hearts. Let capital, unembarrassed by unworthy prejudices, seek investment and use among us. If employed in any of the productive pursuits of life, it will, while it further enriches the capitalist, also promote the prosperity and add to the wealth of others.

Gentlemen, confident that you will cordially unite in your efforts to accomplish, with as little delay as possible, the special objects of this session; and hoping that you will not prolong the session by legislation upon subjects that may, without detriment to the public interest, be postponed until the meeting of the next General Assembly, I respectfully submit the few suggestions here made.

R. M. STEWART.

## SECOND BIENNIAL MESSAGE

JANUARY 3, 1861

*From the Journal of the Senate, pp. 20-44*

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*Gentlemen of the Senate and House of Representatives:*

The closing day of another year—a year filled with interesting events, and foreshadowing others of still graver importance—called you together as the legal representatives of the people, to constitute the Twenty-First General Assembly of Missouri.

As the Chief Executive of the State, it is made my duty to communicate with you upon such subjects of present and pressing interest as should commend themselves to your immediate attention and careful deliberation. First of all, I would unite with you in sentiments of profound gratitude to the Giver of all good, for His manifold blessings conferred upon us as a people, and in deprecating His wrath against our State and Nation.

Inasmuch as our Government is both general and local characteristics and jurisdiction, the Federal Constitution forming a *quasi* Constitution of each individual State, being openly and formally sworn to by all State officers, and the obligations to support it tacitly acknowledged by all the people, it is proper that our Federal relations, including our rights as a sovereign State and our obligations to the General Government, should be carefully considered and wisely acted upon. The very idea of an organized community implies that a portion of the individual rights must be surrendered for the common good. A man entirely isolated from his fellows might possess an indefeasible right to all his property; but the moment he becomes a subject of civil government, a portion of his acquired wealth must be used to support a system of domestic police, as well as other legitimate means of promoting the good order, happiness and prosperity of the community to which he belongs.

On the same principle has been framed the league that binds together the States of the great American Republic, which, whatever may be its faults, is the noblest political fabric ever reared by human hands. The first stones in this glorious temple were laid in wisdom, and cemented by the blood of the truest patriots the world has ever known.

Even at the first it was seen that a vast extent of territory, embracing within its bounds every variety of soil, climate, production, and resource, would require almost as great a variety in the local laws and institutions of the different districts. Hence the Federal Constitution was the child of compromise and concession. It gave to the General Government only such powers as should enable it to act for the general defense, and for the common good; whilst all such matters as related to local interests and institutions were left as the just prerogatives of the several States.

So long as these compromises were observed in good faith, and their conditions executed in a just and friendly spirit, their natural fruits appeared in the steady and rapid increase of population, wealth, and general prosperity, in every section of the Republic. The very diversity of interests seemed to produce a stronger political unity; the larger the bundle of sticks, the harder to break, so long as they remained bound together. Our country, in the vastness of its extent, and the variety of its interests, resources, and productions, seemed to possess the elements of a lasting union and independence. Each individual looked for a supply of the necessities, comforts, and luxuries of life to every section of the Republic. His manufactured goods must come from the East and North; his wheat and corn from the Middle West; his rice from the Carolinas; his cotton from the South; his sugar from the Southwest; his furs and peltries from the Rocky Mountains; and, through the Golden Gate of California, the richer treasures of the new El Dorado. This condition of mutual dependence appeared to be the true element of a lasting fraternity of States. This idea was strengthened by the rapid increase of facilities for intercourse and communication, which, with

bands of iron and currents of electric fire, have almost annihilated time and space, bringing the extremities of a vast continent into close neighborhood, and thirty millions of people within the limits of daily intercourse.

But without justice and good faith on the part of every member of this great Confederacy, these and a thousand other auspicious circumstances would be insufficient to perpetuate the existence of a political brotherhood. Unfortunately, justice and good faith have not been observed, and the seeds of discontent are rapidly producing the fruits of dissolution.

For many years there has been a party organization in one section of the Union opposed to the interests of another. The leaders and movers of this faction are infidels or fanatics in religion, Utopian in their social philosophy, and selfish and seditious in politics. Regarding themselves as wiser than the statesman who formed our Government, and purer than the patriots and christians who established and defended it against the assaults of foreign foes, they have urged a relentless war of opinion against one half of the Confederacy, and strive to enforce their opinions by sending bands of robbers to steal our property, and murder our citizens.

In the first organization of this revolutionary faction they were so few in numbers, and so feeble in power, that the conservative portion of the nation, both North and South, manifested more contempt for their folly, than fear of their mischievous designs. But by the constant efforts of a corrupted press and a prostituted pulpit—the violent harangues and gross misrepresentations of crazed fanatics, male and female, black and white—the poison has been scattered throughout that whole section of the Confederacy, and a miserable faction has become a powerful party. Like every other kind of fanaticism, from witchcraft to Mormonism, it found no lack of teachers or disciples. Abolitionism not only invaded the sancturay, and polluted the pulpit, but found its way into the nursery and school room, where it could poison a whole generation. It was incorpo-

rated into class books; set in music, and sung; caricatured with chains and scourges, and exhibited in the print shops; wrought into plays, and acted upon the stage.

While thousands of their own color and kind, and under their own eyes, were reduced to an unnatural serfdom of poverty and toil, they had no sympathies for anything but the black slave, whose condition was far better than that of thousands in their own neighborhood. By the constant use of every engine of social influence, and the corruption of every fountain of social power, they gradually arose from the election of a constable to the election of a President. It is meet, too, that these Northern fanatics, who have no sympathies for anything but African slaves, and who have substituted for morals and religion a vile system of negrophilism, which culminates in all the crimes and horrors of amalgamation, should remember "the pit from which they have been dug," and the sins that still cling to their skirts. The sale of their slaves originally furnished capital to start manufactories, and the labor of these slaves or their descendants still keeps their spindles turning. Whilst they shed tears of hypocritical sorrow over the fancied sufferings of the slaves on the cotton and sugar plantations, they seize with a miser's greed upon the products of their labor, and "roll the sweet morsel under their tongues." They move heaven and earth to rescue a fugitive from the hands of his rightful owner, and fit out and man three-fourths of all the slave ships that prowl about the African coast.

A strong and safe check to the dominion of this ruthless and sectional power existed in the National Democratic party so long as it preserved its integrity. But, with the disruption and demoralization of this conservative power, the great bulwark of safety has been swept away, and the foul waters of fanaticism seem ready to deluge the land. For the first time in the history of the Republic, it is fairly divided into opposing sections by geographical lines, and a President has been elected by one section without a single vote from the other. Nor is this the worst feature in the case; for the principles of the successful party are directly

at war with our dearest interests—at war with what we consider to be a vital principle of our Federal Constitution—the right to occupy, with our property, and be protected in its possession, any of the common territory of the United States.

But these remarks are not applicable to all. Many of the Northern people are our friends, and the friends of the Constitution and the Union, and disposed to do full justice to the claims of the South. In past years, the conservative masses of the North have stood by us, and fought with an unflinching and undaunted courage, even as a forlorn hope, against the avowed enemies of our institutions. Recent events indicate a healthy reaction, and I have reason to believe that a majority of our Northern neighbors will unite in giving proper guaranties to the South. The successful party has gained its present victory, not because a majority were abolitionists, but because they have been ruled and swayed by ambitious demagogues whose sole aim was the acquisition of political power, whether it resulted in the benefit or injury of the country. These selfish demagogues first courted the fanatics where they held the balance of power in local elections, and, thus proceeding step by step, have finally produced the present disastrous state of things. And here it is pertinent to propound a question to those who have been the movers and leaders in the Northern crusade against Southern rights and institutions; not to the infidels and socialists, the breakers of faith and blasphemers of God; but to those who have used abolitionism as a stepping stone to political power.

What do they expect to realize as the fruit of their victory? They have sowed the wind, and are now reaping the whirlwind. In one short month they have brought to the verge of destruction a glorious Union that required a century to build up, and, if demolished now, ten centuries could not reconstruct. The real authors of such a calamity will deserve and receive the execrations of the civilized world in all time to come. For years they have pursued, with a zeal worthy of a better cause, the traitorous work of



undermining the foundations of the Republic. Novel writers, play actors, priests, pedlers, pedagogues, and political demagogues; the secular and religious press; the stump, the pulpit and the stage, have been brought into requisition for the accomplishment of their wicked designs; and now, when the whole continent is about to be involved in the horrors of a social and internecine war, we ask them to pause before the final blow is given. We ask them to inquire into the inevitable consequence of their doctrines and deeds before it is quite too late. And let us hope, too, that He who rules the hearts of men, and controls the destinies of the world, may send them wiser counsels and better thoughts, and that a returning sense of justice may lead to acts "meet for repentance," restoring the rights and conditions of good neighborhood, and the peace of a distracted country.

It is no matter of marvel that such a state of things should cause not only dissatisfaction and disquietude, but the strongest feelings of opposition in the South. Hence we hear, not only the voice of alarm and solemn protestation against the evils that are likely to come with the rule of a purely sectional party, but stern resolutions of secession. Truly we have fallen upon evil times. A great crisis is not merely to be feared as approaching—it is already upon us. We see it in every man's face, we hear it in every man's voice. There is a universal disquietude—a feverish unrest in the public mind—confidence between man and man is lost; a financial revolution precedes a political storm, and, with abundant crops and overflowing wealth, the whole country is on the verge of bankruptcy. The political sky is full of gloomy portents of coming evil; and old foundations seem sliding from beneath and leaving us to drift out upon an ocean of untried experiment. If the fear of approaching dissolution brings such wide spread evils, what unspeakable calamities shall come with the reality itself!

Missouri occupies a position in regard to these troubles that should make her voice potent in the councils of the nation. With scarcely a disunionist, *per se*, to be found in her borders, she is still determined to demand and maintain

her rights at every hazard. She loves the Union whilst it is the protector of equal rights, but will despise it as the instrument of wrong. She came into the Union upon a compromise, and is willing to abide by a fair compromise still; not such ephemeral contracts as are enacted by Congress to-day and repealed to-morrow; but a compromise assuring all the just rights of the States, and agreed to in solemn convention of all the parties interested.

Missouri has a right to speak on this subject, because she has suffered. Bounded on three sides by free territory, her border counties have been the frequent scenes of kidnapping and violence; and this State has probably lost as much in the last few years, in the abduction of slaves, as all the rest of the Southern States. At this moment, several of the western counties are desolated, and almost depopulated, from fear of a bandit horde who have been committing depredations—arson, theft, and foul murder—upon the adjacent border.

Missouri has a right to be heard from her present position and power, as well as from the great calamities that a hasty dissolution of the Union would bring upon her. She has now a larger voting population than any other slave State, with prospective wealth and power far beyond any of her sister States. With nearly seventy thousand square miles of territory, already inhabited by a million and a quarter of people, she has more arable land, of the first quality, than any other State in the Union; her territory is washed and intersected by rivers, whose fountains and tributary streams water half a continent, and whose mingled flood forms "an inland sea," extending more than a thousand miles to the ocean; her mineral wealth is far above the reach of computation; her commercial metropolis has already become the half way house between the Atlantic and Pacific, and the great mart of trade for half a score of States and Territories; whilst our system of internal improvements is stimulating industry and effort, and rapidly filling up the vacant lands with intelligent, enterprising settlers. It would seem, indeed, that Missouri and her

sister border States should be the first, instead of the last, to speak on a subject of this kind. They have suffered the evil and wrong, and should be the first to demand redress. Is it quite proper that those who have suffered no pecuniary loss should initiate a proceeding of this kind, and say to us, by their premature action, that we do not know when to redress our wrongs, or defend our honor? Our people would feel more sympathy with the movement if it had originated amongst those who, like ourselves, had suffered severe loss and constant annoyance from the interference and depredations of outsiders.

As matters are at present Missouri will stand to her lot, and hold to the Union so long as it is worth an effort to preserve it. So long as there is hope of success she will seek for justice within the Union. She cannot be frightened from her propriety by the past unfriendly legislation of the North, nor dragooned into secession by the restrictive legislation of the extreme South. If those who should be our natural friends and allies undertake to render our property worthless by a system of prohibitory laws, or by re-opening the slave trade, in opposition to the moral sense of the civilized world, and at the same time reduce us to the humble position of a sentinel, to watch over and protect their interests, receiving all the blows and none of the benefits, Missouri will hesitate long before sanctioning such an arrangement. She will rather take the high position of armed neutrality. She is, at present, able to take care of herself, and will be neither forced nor flattered, driven or coaxed, into a course of action that must end in her own destruction. If South Carolina and other Cotton States persist in secession, she will desire to see them go in peace, with the hope that a short experience of separate government, and honorable re-adjustment of the Federal compact, will induce them to return to their former position. In the meantime, Missouri will hold herself in readiness, at any moment, to defend her soil from pollution, and her property from plunder by fanatics and marauders, let them come from what quarters they may. The people of Missouri will choose this

deliberate, conservative course, both on account of the blessings they have derived from the Union, and the untold and unimagined evils that will come with its dissolution. Is it nothing to us that the postal system of the United States carries intelligence to every family in the State, and receives back, in postage, only a small portion of the expenditure? Is it a trifle to us that millions are distributed from the Federal exchequer every year to support officers and contractors within the State? Is it a matter of no consequence to our farmers that other millions are paid every year for stock and produce to support the army on our western frontier?

But far above this pecuniary view of the subject—quite beyond the reckoning of dollars and cents—is it nothing to be an American citizen?—a free-holder in the greatest and most powerful country on the globe?—part owner of a flag that has been baptized in the fire and blood of a thousand battles—a flag that now floats proudly on every sea, and in every port—a countryman and kinsman of heroes and patriots, who fought and fell in the great struggle for liberty and right? Is there nothing in the memories of the past, the prosperity of the present, or the hopes of the future that should make us cling with a dying grasp to this last hope of the world—this proud temple of American liberty? But if the blessings we have derived from our government excite no desire for their preservation, then let the evils, crimes, and horrors which must follow its dissolution, withhold us from hasty and inconsiderate action. First, though least in the category of evils that must come with secession, are those of a pecuniary nature.

The disruption of our present relations, the organization of an independent government, even without the natural consequences of civil war, will bring great and almost insupportable burdens upon the people. In addition to the loss of all the pecuniary benefits now derived from the General Government, the people must be unavoidably taxed for the means to inaugurate a new system. Depreciation of property; depres-

sion of trade; ruin of individuals and corporations; the withdrawal of gold and silver from circulation, the substitution of irredeemable paper for bankable funds; the loss of State credit, and the crippling or destruction of every public enterprise—these are amongst the positive evils of revolution, yet enough of themselves to destroy the hopes and crush out the energies of a great people. To these must be added the inevitable evils of taxation to support a respectable military force, a more thorough system of domestic police, an arrangement for the transportation and distribution of the mails, to provide for additional officers of government, and many other expenses. Those who are skeptical on this point, should reckon the expense of the three weeks' campaign just terminated, and then estimate the cost of a cordon of armed sentinels sufficient to protect a border of nearly one thousand miles. In this, as in most cases of fraternal strife, a conquest is the worst of all defeats. A single year's experiment of separate government, under these circumstances, would so impoverish the state and oppress the people, that the natural consequence might be looked for in a reign of anarchy or despotism. Our natural enemies, the Abolitionists, would attack us on three sides, and prey upon us whenever and wherever they could find the opportunity. Bickering, broil, battle, feud, and foray would prevail in all parts of the State; thousands of our best citizens would seek peace and quiet elsewhere, and Missouri would become like the lightning-scorched track of the Roman armies, where they "made a solitude, and called it peace."

All our social, industrial, commercial, and educational interests would languish and die. The wheels of commerce would rust upon the rails, the hammer upon the anvil, the plow in the furrow. Farms would be untended; merchants idle; mechanics unemployed; our cities desolated as by a plague, and the country by a revolution. A few years of transition would put back Missouri a century in all the elements of moral and material progress, and finally leave her,

as a wrecked Commonwealth, to drift out upon an unknown sea, on the ebbing tide of a popular revolution.

These things will be inevitable if we are forced into secession and revolution. You might as well attempt to turn back the shadow on the dial of time as to prevent the legitimate consequences of such a suicidal course. And will the planters, the slaveholders, merchants, miners and mechanics of Missouri surrender the fairest heritage on which the sun ever shone, in exchange for the mad chimera of secession, to be followed by revolution, battle and blood? Never!

Nor will Missouri be alone in the loss of property and the sufferings of her citizens, consequent upon the dismemberment of the American Union. In every section of the Republic, the same evils will prevail, in a modified or aggravated form. Public credit will become a myth, and the payment of public debt a miracle; the industrial pursuits that now bring contentment and prosperity to millions of hearth-stones, will be either destroyed or turned over to foreigners; our merchant ships will rot at their wharves, whilst the carrying trade of the world is transferred to other nations; the capitalists and operatives of Europe will furnish our manufactures, whilst the wheels of American factories and machine shops stand still, and the children of American artisans learn to utter the hopeless cry for bread!

It is not unlikely that those who have waged this political contest with the hope that it should end in bringing financial ruin and the horrors of a servile war to the South, may be the first to find their storehouses empty, and their firesides desolate. We command to the lips of our enemies the poisoned chalice they had prepared for us, and when they have tasted its bitterness, may they turn from their course, and learn to extend justice to those who have done them no wrong.

The very idea of the right of voluntary secession is not only absurd in itself, but utterly destructive of every principle on which national faith is founded. With such a

doctrine in vogue, the idea of national credit is preposterous. When Texas came into the Union her large debt was paid by the National Government. Has she the right to retire from the compact the moment that the burden is removed from her shoulders? A large portion of our Territory has been purchased at the cost of hundreds of millions, and this money has been paid by all the States of the Confederacy. Has any State, composed of this purchased territory, a right to retire with a share of the property for which she has paid next to nothing? If this doctrine of secession holds good, our Government is without the first element of stability and is destitute of every feature of respectability. No foreign power will condescend to make treaties with us; no foreign nor even domestic capitalist will be simple enough to loan money to a dissolving partnership.

If the old Confederacy, which has enjoyed the confidence of the world for nearly a century, must lose her credit by giving countenance to this political heresy, what chance has a new Confederacy founded upon the practice of this very doctrine? In the absence of national credit, which must follow as the legitimate consequence of this doctrine of the right to secede at pleasure, how is it possible to prosecute war, build up national defenses, or foster works of domestic enterprise? It would be folly to declare war, for any number of States might withdraw from the compact, and avoid the expense of carrying it on. They might withdraw in anticipation of, or in time of war, and join the enemy with impunity.

It is idle to think of general secession without violence and blood. We might as well talk about amputating a limb without severing nerves or veins, or dying without pain. The different members of the Confederacy are bound together by a common origin, common language, and a common fortune in the past; united by the ties of commerce, social brotherhood, consanguinity, and mutual dependence upon each other for the comforts of life. We have grown to the strength and power of a vast empire, and our vital energies are now in full vigor. If dissolution should come,

the death struggle will be as terrible as the dying energies are great.

Would the North-West consent to have the Mississippi blockaded either by foreign foes or domestic feud? Mr. Jefferson purchased this whole region of country from France in order to make this river a great highway for the nation. It belongs to the whole Republic, and the States of the great Western Valley will not consent to have their commerce cut off from the sea by one or two States lying near its mouth. This is one of a hundred examples that could be given to show that peaceable dissolution is a moral impossibility.

A strong reason for delay, reflection, and consultation is, that the great conservative masses of the people are not yet waked up to a knowledge of the mighty danger that threatens us. A majority of the State Legislatures and of Congress were elected in the midst of a popular furor, and their action will not be a fair exponent of the sober second thought of the people. The politicians now in power are not the men to settle this question. Let us turn from the selfish and helpless politicians, who are struck dumb at the magnitude of the calamity which their own folly has precipitated, and make one last appeal to the great conservative heart of the people. Give them a little time to rectify the errors into which they have been lured by the acts of ambitious and designing men, and all may yet be well.

Let us hope, then, that Missouri will "possess her soul in patience," occupying the high vantage ground which God and nature have bestowed; insisting upon all her rights, yet demanding nothing wrong; meting out condign punishment to the invaders of her soil, yet refusing to precipitate the destruction of our peace and prosperity by hastily cutting herself adrift from the sheet-anchor of our liberties. Whilst I would recommend the adoption of all proper measures and influences to secure the just acknowledgment and protection of our rights, and, in the final failure of this, a resort to the last painful remedy of separation; yet, regarding as I do the American Confederacy as the source of a



thousand blessings, pecuniary, social and moral, and its destruction as fraught with incalculable loss, suffering and crime, I would here, in my last public official act as Governor of Missouri, record my solemn protest against unwise and hasty action, and my unalterable devotion to the Union, so long as it can be made the protector of equal rights.

#### BORDER DIFFICULTIES.

On the 20th of November, the following telegram was received by me at Jefferson City:

BOLIVAR, Mo., November 20th, 1860.

*GOV. R. M. STEWART:*

Montgomery has invaded Vernon county, and is now within the line, with three hundred (300) men. The citizens of Bates and Vernon counties have sent to me for assistance. What shall I do? Send instructions immediately by telegraph.

J. F. SNYDER,  
Division Inspector.

In answer to this, the following order was immediately dispatched:

HEADQUARTERS COMMANDER-IN-CHIEF M. V. M.  
JEFFERSON CITY, November 20th, 1860.

*TO COL. J. F. SNYDER:*

Division Inspector, Bolivar, Mo.:

In reply to your telegram stating that Vernon county had been invaded by a band of lawless marauders, and asking instructions, I, as Commander-in-Chief, hereby order you, under the act of the Legislature appropriating funds for this special purpose, to use all available means at your command in repelling the invasion, and inflicting condign punishment upon the invaders of our peace. Be cautious not to infringe upon the constitutional laws of the Federal Government, by following the invaders over the State line into Kansas Territory. You may expect the hearty co-

operation of the Commander-in-Chief in the protection of our citizens in any and every emergency.

By order of

R. M. STEWART,  
Commander-in-Chief M. V. M.  
JNO. T. TRACY,  
Lieut. Col. and A. D. C.

On the 22nd, deputations arrived from Vernon and Henry counties with letters, memorials, and requisitions for arms, all presenting a gloomy picture of the scene of anarchy upon the border, and earnestly praying for assistance. Until 12 o'clock at night, messages were received by the Quartermaster General and myself, reporting the progress of the invaders. With evidence of this kind before me, exhibiting a state of social anarchy and lawless plunder upon our Southwest frontier, there was no alternative but prompt and energetic measures to defend our citizens, restore peace, and, if possible, punish the aggressors. The only question in my mind was, respecting the point from which troops should be sent for this service. There was no lack of volunteers, for offers came from every part of the State; and such is the alacrity of our people in the defense of their soil, that I believe, if necessity required it, fifty thousand men could be enrolled in Missouri within a week. Such representations were made of the large force of the bandit Montgomery, and their complete equipment for warlike service, that it was deemed proper to send a body of men sufficient to end the difficulty at once. To enroll, organize, and arm a sufficient force in the border counties, would require several weeks, whilst the remedy should be applied without delay. The military district of which Col. Snyder was Inspector was not organized, and if it had been, there were no suitable arms to supply a command from that district. Besides, it was reasonable to suppose that those living directly upon the border, and who had suffered from the incursions of these Kansas marauders, might be inclined to retaliate by passing over the State line, and thus placing us in immediate collision with the Federal authorities. Under

these circumstances, I did not hesitate to call into requisition the services of a regiment and battalion from St. Louis, under the command of Brigadier General D. M. Frost, to which was added the Governor's Guard, a company from Jefferson City. This force, by the great energy of the officers, and the hearty co-operation of the men, was able to start on the campaign, fully armed and equipped, after notice of forty-eight hours. Too much praise cannot be bestowed upon these citizen-soldiers for the alacrity and hearty good will with which they responded to the call of their country, for the hardihood they exhibited during the inclemencies of the campaign, and for the good order and discipline that prevailed from the organization to the disbanding of the force.

From the representations made to me by the commanding officer of the expedition, respecting the scene of desolation and almost depopulation in some of the border counties, I have no doubt as to the policy and necessity of sending an armed force to that quarter of the State. In recalling the main body of the troops, I gave discretionary power to General Frost to comply with the earnest appeals of the remaining citizens and organize a mounted patrol to protect the border. This he has done, placing Lt. Col. Jno. S. Bowen in command.

Whilst it should be a subject of honest gratulation to us that the people of Missouri, both in her commercial metropolis and in all the rural districts, are ready to take arms at a moment's warning in defense of the persons and property of their fellow-citizens, at the same time it is the acknowledged duty of the General Government to protect us in all our rights as a sovereign State; and whilst we remain an integral part of the Federal Union, the burden of such protection and defense should fall upon that Government.

#### MILITIA.

The General Assembly will readily perceive the necessity of making such additions and alterations in the present

Military law of the State as will make it operative throughout the State, whereas it is now more especially applicable to the city of St. Louis, and of making an appropriation to arm and equip a sufficient number of Volunteer Companies in all parts of the State for its protection against invasion. It is eminently necessary that the Militia should be thoroughly organized, if for no other purpose than that we may know our own strength, which fact will be a bulwark of safety in itself. To accomplish this design, it would be well to offer such inducements as would encourage a military spirit in those of our citizens who are not able to bear the pecuniary weight necessarily incident to military organizations.

At the last session of the General Assembly, an appropriation of \$1,500, with convict labor, was made to build an Arsenal. The amount being insufficient to erect a building which would meet the wants of the State, it was thought best by the Commissioner to commence such a building as the State required, and trust to the Legislature for a future appropriation. The amount appropriated has been expended, and the building is now up to the first story, and if completed as designed, it will be a substantial and beautiful structure, reflecting great credit upon the State. It will require but a small appropriation to complete it with the aid of convict labor, without which, the work already done would have cost the State over \$4,300, extra of the appropriation of \$1,500.

The necessary expenses incurred by the State, in consequence of the South-West Expedition, exceeded the appropriation made at the last session for the protection of persons and property on our South-Western border, and I beg to recommend an early appropriation for the purpose of paying off the claims of this Expedition.

#### FINANCES.

The condition of the finances of the State will be seen in the following statement furnished to me by the Auditor of Public Accounts:

Amount of Revenue received in the year ending Sept. 30, 1859.....	\$828,360.11
Add proceeds of 400 Revenue Bonds sold to pay interest on Railroad Bonds.....	382,238.00
Add amount received from General Government on account of Osage war.....	19,227.21
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Total first year.....	\$1,229,825.32
Amount of Revenue received in the year, ending Sept. 30, 1860.....	932,027.33
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Total amount Revenue received in two years, ending Sept. 30, 1860.....	\$2,161,852.65
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Amount of Revenue expended in the year ending September 30, 1859.....	\$667,745.46
Amount of Revenue expended in the year ending September 30, 1860.....	523,297.18
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	\$1,191,042.64
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The balance of Revenue in the Treasury, October 1, 1860, is.....	\$620,719.87
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This balance, however, is mostly absorbed by the payment of coupons, on bonds issued to the Pacific, North Missouri, St. Louis and Iron Mountain, and Cairo and Fulton Railroad Companies, which coupons are now in possession of the State Treasurer.

The estimated receipts for Revenue purposes in the two years ending September 30, 1862, are.....	\$1,760,000.00
And the ordinary expenditures during the same period.....	700,000.00
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Leaving a balance in Treasury, October 1, 1862 . .	\$1,060,000.00
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This balance of \$1,060,000 is subject to a deduction of twenty-five per centum, each year, of the Revenue receipts, for school purposes, amounting to \$440,000; and also to such appropriations as may be made by the General Assembly for extraordinary purposes.

The estimated amount of receipts on account of State Interest Fund, for the two years ending September 30, 1860, is \$862,167.56.

These estimates are based upon the present valuation of property, and do not exceed the actual receipts into the Treasury during the last two years, so far as they relate to ordinary revenue purposes. Heretofore it has been found safe to estimate an annual increase of 15 to 20 per cent. The present gloomy aspect of National affairs is the reason why it has not been done in this instance. If the dangers which now threaten us should be averted, and our difficulties soon become amicably and permanently adjusted, restoring quiet to the country, and reinstating the confidence in our commercial relations so indispensable to activity and prosperity in all our industrial pursuits, these estimates will fall considerably short of the revenue we may reasonably anticipate.

#### THREE PER CENT FUND.

It will be remembered that under a special law of the State, John W. Reid, of Jackson county, was appointed as Commissioner to obtain from the General Government a sum of money due to Missouri on account of the sales of the public lands in the State. The commission was faithfully, ably and successfully executed. The claim has been allowed and adjusted, and the money paid into the State Treasury. It remains for the General Assembly to authorize the just compensation for his services.

#### RAILROADS.

Among our State interests, the largest, financially considered, and therefore most deserving of your early, profound and patient consideration, is that of our railroads, and the obligations of the State incurred in their behalf. As is known to those who have given the subject any attention, no aid has been granted to our railroad companies within the last two years. The only changes, therefore, that will appear in an exhibit now, compared with that made in the biennial message, are in the amounts issued and represented as due; a part of the latter, however, being a condition of forfeiture. The figures are again presented in tabular form, as follows:

Name of company.	Amount authorized.	Amount issued.	Amount due.
Hannibal & St. Joseph.....	\$3,000,000	\$3,000,000	.....
Pacific—Main Line.....	7,000,000	7,000,000	.....
Pacific—South-West Branch.....	4,500,000	3,900,000	\$600,000
Cairo & Fulton.....	650,000	650,000	.....
North Missouri.....	5,500,000	4,350,000	1,150,000
St. Louis & Iron Mountain.....	3,600,000	3,501,000	99,000
Platte County.....	700,000	700,000	.....
	<b>\$24,950,000</b>	<b>\$23,101,000</b>	<b>\$1,849,000</b>

Amount of Revenue Bonds issued in 1859, and due on June 1, 1861..... \$400,000

The \$1,150,000 represented as due to the North Missouri Railroad Company, and \$99,000 to the St. Louis and Iron Mountain Company, have been forfeited by the failure of said companies to pay the interest accruing upon bonds already issued to them. They do not, therefore, now constitute in law, and without further legislation are not to be reckoned as any part of the contingent obligation of the State. The only bonds authorized and yet liable to be issued, are the \$600,000 due the South-West Branch of the Pacific Railroad, which, with the whole amount issued, make an aggregate of \$23,701,000, or, adding the four hundred revenue bonds, (due next July,) the proceeds of which were devoted to the payment of interest, the aggregate is \$24,101,000; \$849,000 less than the aggregate amount authorized. The interest due on January 1, 1861, has been met without any increase of the public debt; but this cannot be done next July under the existing laws affecting the public revenue. How the necessary means shall be provided, is a question deserving the special attention of the General Assembly. Unless a general distrust and monetary panic pervades financial circles, by reason of political troubles, I believe there will be no necessity of devoting to this use any portion of the public revenues now specially devoted to other purposes.

The alarming crisis in our national affairs, to which I have previously referred, has occurred at a most inauspicious period, for our State especially. I do not refer simply

to its immediate effects upon the various industrial avocations or the individual prosperity of our citizens, but to the serious obstacles it has already opposed, and which, it is feared, it will continue to offer to the vigorous prosecution and early completion of the magnificent enterprises of Internal Improvements, which have so long been the object of the patronage and fostering care of the State, and upon which we must in the very nature of things depend, to a great extent, for the development of the inexhaustible resources and powers which, if brought into requisition, must render us the most prosperous and affluent people on the face of the globe. With a proper appreciation of the paramount importance of supplying herself with adequate facilities for rendering available her inconceivable millions of dormant wealth, Missouri has extended her aid in the encouragement of Internal Improvements with a liberality commensurate to the benefits to be derived from their construction. In doing this, she has incurred an annual liability of nearly a million and a half of dollars, in interest accruing upon the bonds loaned to the several railroad companies, of which they are now able to discharge less than one-third, but which the State has met, and ever will meet, cheerfully and promptly, actuated as she is by every sentiment of honor, morality and State pride. This liability must be discharged out of the earnings of the roads, or by means of the special and general revenue of the State. In the present unfinished condition of the roads, the former is wholly unavailable, and must remain so, unless measures are adopted for the completion of the roads to points at which their business will be sufficiently increased to yield a profit exceeding the amount necessary for their maintenance. The unusual and precarious condition of the political affairs of the nation has now made the attainment of this "consummation so devoutly to be wished" a problem of exceedingly difficult solution. Had the relations of fraternal union and concord between the several members of the Confederacy remained unimpaired, and State bonds continued to command something approximating their real



value, there could be no question but that a further extension of State aid under the constitutional restriction, with proper indemnity to the State, would have secured the early completion of the several enterprises to which the State has so generously and so wisely extended her assistance and fostering care. But it is evident that this policy cannot be pursued under existing circumstances, with any reasonable hope of attaining the desired end, nor without hazarding an immense sacrifice to the State, and jeopardizing the interests of those who have already invested their means in her bonds. Added to the general panic and distrust in the financial world, growing out of the dangers menacing the integrity and perpetuity of our National Government, it would inevitably tend to depreciate our bonds to rates which neither the interests of the State, nor the companies she might endeavor to assist, would justify.

With the unfaltering belief, however, that on the completion of the roads, their net earnings would be sufficient to discharge a large portion, if not all of the interest for which the State is liable, and thus relieve the people from the burdens of taxation for that purpose, I beg leave to submit a suggestion for your consideration. The actual value of the various defaulting roads can be readily ascertained, and if the General Assembly is of the opinion that any one of them is worth, in its present condition, the amount loaned to it by the State, if no better plan can be proposed, I would recommend that the first lien which the State holds on the unfinished portion be released, on condition that the company, by mortgaging the portion not yet completed, can procure sufficient means to finish it, the State retaining the first lien on that portion of the road in running order at the time the company may mortgage the unfinished portion, and taking a second mortgage on the remainder.

I need not enter into an argument to demonstrate that in the event of the completion of the Pacific Railroad, the net earnings will be sufficient to pay the interest on the State bonds loaned to it; for an investigation of the facts reported to you of the business of that road, when it has barely

penetrated a section of country of unbounded fertility, will satisfy any reflecting mind far more fully upon this point than any process of reasoning I might adduce. When we consider that this road is to be intersected at various points by branches, penetrating the heart of a country of boundless fertility and rich in mineral wealth, several of which are already in process of construction, all tending greatly to increase the value of the portion completed, no doubt can exist in any reflecting mind as to the safety to the State of the policy indicated. But when we reflect that by filling up a gap of about twenty-eight miles between Kansas City and Weston, the southern terminus of the Platte County Road, and a gap of about sixty-five miles between Forest City and the Iowa line, where it meets the road now under construction, leading south from Council Bluffs, the products of a vast and the most fertile region of the American continent, or in the world, will, by this great line of railroad and its branches, traversing all western Missouri, Iowa, Kansas and Nebraska, all to become immense feeders to this great extension of the Pacific Railroad, no doubt can be entertained of its becoming one of the most profitable and best paying roads in the United States. Fifty miles of the Platte County Railroad is now completed and in good running order, twenty-five miles in process of construction, three-fourths of the grading done, and nearly all the iron on the ground; and the people on the line, both in Iowa and Missouri, are furnishing their means for this great extension of the Pacific Railroad, with a commendable spirit of liberality and enterprise. And what is true of this road would at no remote period, if not at once, be true of the others.

But even if the roads, when completed, should not enable the companies to pay all the interest, the security of the State would not be diminished, but increased, by the large augmentation of their business. I am aware that it has been proposed, and will doubtless be urged upon you again, to make provision for the sale of the roads of the companies that have failed to pay the interest on the bonds

loaned to them; but I must be permitted to remark, that so far from being able to perceive how such a course, under existing circumstances, could extricate the State from her present liabilities, it seems to me to be, of all others, the most surely fatal to her interests, as well as the most injurious to the companies, and corporate and private stockholders that have contributed liberally of their means to push forward these great enterprises. Suppose, for instance, that the Pacific Railroad should be offered for sale, during the present unsettled condition of public affairs, and a general panic in the financial world. Who would believe that the State would be able to realize twenty-five per cent. of what she has advanced for it? Having received one-fourth of what it has actually cost her, the State might be able to discharge her immediate and pressing liabilities; but how would she provide for the remaining three-fourths? Where would be her security for the remainder? Again, it must be apparent to every mind of the least reflection, that those portions of our great trunk roads now completed, terminating at our great emporium of trade, are bound to be more valuable always, than the more remote and now unfinished portions, and must increase more rapidly from year to year, as their business is augmented by extensions and lateral branch roads, all pouring their tribute into the great central mart of the State. Already there are in course of construction the Lexington and St. Louis Railroad, the Osage Valley and Southern Kansas Railroad, and the Boonville Branch, all to become tributaries of the Pacific road, and draining populous and wealthy portions of the State. The Brunswick Branch, soon to be completed, and its Missouri Valley Branch, will, doubtless, double the business of the North Missouri road. I need not urge the necessity of the Legislature affording every facility which can be given with safety to the State, for the early completion of the Southwest Branch, and the extension of the Iron Mountain and North Missouri roads. The incalculable advantages to result therefrom, both to St. Louis and the whole State, must be seen by all. It is hoped that enough

has been said upon this subject to impress the mind conclusively with the fact, that the completion of our great trunk roads, by means of the plan proposed, must inevitably tend to enhance the security of the State, while it will mutually benefit the country through which the roads are yet to be built and all parties concerned. If they have ultimately to be sold, they may be made, by assisting their completion to bring a sum approximating their value; which, as has been seen, cannot be done at this time. But if the dominant opinion should favor their sale now, I must be allowed to express the opinion, that, although it is generally unwise for a government to take the management of public enterprises under its immediate control, it will be better for the State, in the present condition of the public mind, to take possession of the roads, and to retain them until there exists, at least, a more favorable condition of financial affairs. I trust that in any event, the most liberal course, consistent with the public good, will be adopted towards those who have aided in the inauguration of, and have invested their private means in, these great enterprises.

I know it is too late now to argue the policy adopted by the State in aid of our works of Internal Improvement. Having entered upon it and extended its credit to nearly the amount allowed under the constitutional restriction, it only remains for us to determine how the works which have received the fostering aid of Government shall be completed, with due regard to the protection of the public interest. There will be honest differences of opinion among those who have the same great end in view. I have submitted the plan which seems to me to be the most feasible under the circumstances.

And now, having been intimately identified with our Internal Improvement system throughout its entire history, and foremost in its general advocacy, a few words concerning it will not be inappropriate.

It will be remembered that our railroad enterprises were commenced when comparatively few of our citizens

had any faith in their success, and still fewer of them were able to furnish any material aid in behalf of their construction. It will also be remembered that capitalists elsewhere were then averse to investing their means in such enterprises in our State. To the causes engendering the prejudices referred to, I need not allude. They might, however, have been overcome, had our resources been as well understood by the public then as now, and which the system itself has brought to the knowledge of all. But they were not. Our only alternative was a resort to public credit. This was proposed and adopted, and although the State has extended her credit to nearly twenty-four millions of dollars, the State is, in the aggregate, hundreds of millions better off than she would be without the roads thus built. If this seems extravagant, let our people ask themselves what consideration would induce them to part with their railroads. With our short crops the present season, what would have been our condition without railroad facilities? In the present crisis, who can estimate the advantages of speedy and reliable means of travel and transportation? What, without these, would be the inducements for emigrants to locate in Missouri, when facilities to reach the great marts of the country exist elsewhere almost entirely throughout the West? Who can duly estimate the influence our roads have had already in bringing population to the State? or the wealth thus brought into or developed in the State? Who can tell the worth to the State of the industrial enterprise and thrift they have caused to spring up in the various portions of it? Who can estimate the saving in time, in the cost of travel and transportation, in interest in mercantile transactions, of the additional value to the farmer of his produce, to the consumers in the cost of merchandise, and to the revenue of the State, by causing vast quantities of the Public Lands to be brought into market, and made taxable; and the greatly enhanced value of all the real estate in the vicinity of the roads? How soon would our roads pay for themselves, in time of war, in the transportation of troops and munitions of war? When all these, and

countless other benefits to which I have not time to refer are considered, the reflecting mind will only be astonished that our public liabilities should be regarded by any as a burden.

Complaints, however, are heard because of our public debt; and the plan of operations by which it was created has been freely denounced. But I have yet to hear that any of the opponents of our system of Internal Improvements have ever proposed any other financial scheme that was practicable when our works were undertaken, or any change, subsequently, that could have been made effective. If the friends of progress, and wise above what is written, those who have opposed the measures adopted should have given the State the benefit, seasonably, of their counsels, and saved us from the calamities their imaginations have magnified into anticipated ruin. But it is useless now to waste regrets upon the past. Our liability incurred in aid of the system, is a mere infinitesimal in comparison with the infinity of benefits to be derived from its completion. To now grieve over the amount we have paid, or will ever be liable to pay, for the full development of our resources, would be as idle as the lamentations of the boy over the loss of the bait with which he had caught the fish.

In conclusion, I desire again to express the hope that some plan may be devised that will secure the completion of our trunk roads, and ultimately relieve the people from taxation in the liquidation of the liabilities incurred in aid of their construction.

The affairs of the Cairo and Fulton Railroad require the immediate attention of the Legislature.

#### BANKS.

During the financial crisis in the fall of 1857, the Banks of our State found it necessary, in order to the protection of their patrons, to suspend specie payments. The crisis then was the effect of a monetary panic in the Atlantic States, which had its origin in distrust, accidentally created,

similar purposes on the American continent. A machine shop has likewise been erected, 150 feet long and 44 feet wide, three stories high. This building is appropriated to carpenter work, wagon making, cabinet work, boot and shoe making, saddle and harness making, and tailoring. In the message referred to, I also called attention to the want of suitable accommodations for female convicts, and the necessity of making provision for that neglected class of offenders. That improvement has just been completed. The building erected mainly for that purpose, is 75 feet front by 60 feet deep, and 35 feet high from the water table to the top of the cornice, consisting of two stories, each 14 feet high. The second floor is exclusively appropriated to the female convict department. This consists of a Matron's room and a hospital room, each 27 feet 4 inches by 16 feet, with a work room between, 38 feet 4 inches by 27 feet 4 inches; all opening into a hall and dining room, 71 feet long by 16 feet wide; on the opposite side of which there are seven sleeping rooms or cells, each capable of accommodating four convicts. A flight of steps leads from the hall down into the yard, which is 71½ feet in length by 60 feet in width, the walls of which are of stone, 27 feet high and 2 feet thick. A large store-room in the first story, opening into this yard is appropriated to this department, and the accommodations are completed by a cistern in the center of the yard, capable of holding over four hundred barrels of water, walled and covered with rock laid in cement. The first story contains, exclusive of the room referred to, the gateway office to the female prison, and a store room appropriated to the male prison upon one side of the wagon way into the male prison yard, and upon the other the general office, and behind it (a hall leading thereto) the gateway office, through which the male prison yard is reached. The walls are of building stone; the piers, arches, caps and sills appropriately dressed, the whole structure presenting a tasteful as well as massive appearance. Placed immediately in front of the male prison, it takes the place of the dilapidated and unsightly apartments which formerly served for

offices, and is an ornament to the prison, while it adds greatly to its safety. Even though a female prison had not been needed, an improvement affording these other conveniences and greater security had become indispensable. But justice as well as humanity demanded a department specially appropriated to female convicts. Without it, they were necessarily kept in close confinement, a punishment of greater severity than the law contemplates, and associated with no reformatory influences. Now, while the law is vindicated and society protected, wholesome restraints and salutary influences can be so blended as to promote the great personal end contemplated by the penal code, viz: the reformation of the convict. Upon a moment's reflection all can see that male and female convicts must have distinct departments, and that the female, equally with the male, should have the domiciliary comforts promotive of health; the benefit of instruction in manual employments, and the social discipline tending to the promotion of correct habits, and to establish that moral reform needed to preserve them from a further career of vice and crime. I hope that this new feature of the police arrangement of our Penitentiary system may hereafter receive the fostering care and vigilant oversight to which the public good and the calls of humanity entitle it.

In examining the financial condition of the Penitentiary, you will perceive, that in accrediting it with the improvements, and with the labor done for the State upon the Capitol Grounds, a balance is shown in its favor, confirming the opinion heretofore expressed, that under the Warden system it is capable of being made a self-sustaining institution. It is proper to remark, in this connection, that the value of the Penitentiary improvements made in the last four years, at a very low estimate, amounts to over \$166,000; and that nearly \$37,000 worth of labor has been done by the convicts in the same period in the improvement of the Capitol Grounds, making an aggregate of over \$203,000. All of this, and more, has been saved to the State by this employment of convict labor, and the Penitentiary, for this



reason, is justly accredited therewith. For if the institution had had the facilities (buildings and machinery) it now possesses for profitable employment in the different branches of the mechanic arts, and the cell room, (without which it could not exist) the convicts might have been more profitably employed. It is obvious, therefore, that it would be unjust to regard the appropriations made for the benefits of the Penitentiary as a debt chargeable to its management. One other building of moderate dimensions, already commenced, will, with the buildings previously erected, occupy nearly all the ground within the present prison walls that can be thus appropriated. But notwithstanding the enlarged capacity of the prison, it becomes my duty to state that, in consequence of the great increase in the number of convicts, augmented from 259 in December, 1856, to 524 at the present time, there is lack of cell room.

If criminals are thus to increase upon our hands, it will become the duty of the General Assembly to make further provision for their safe keeping and remunerative employment. In doing this, it is hoped that the State will, under no circumstances, relinquish her official and authoritative oversight. My reasons for this, and for preferring the Warden system, have been given at length in my previous messages, especially in that address to the last General Assembly, at the commencement of the regular session, and I need not reiterate them here. Nor, after all that I have said upon the subject, do I think it necessary to enter into the details of a plan for further prison accommodations. How they can be provided, with the least expense, will readily suggest itself to every one whose duty it is to give the subject any practical consideration. You will learn from the report of the officers of the Penitentiary, that an appropriation is necessary to relieve it from debt, which, I beg leave to remark, ought to receive early attention. It may be safely said that a considerable per centage of its debt is the consequence of its dependence upon the credit system for subsistence. Often without means, it is obliged to buy at whatever prices producers, who can sell on time,

are disposed to ask. In its purchases, it cannot avail itself of the advantages incident to cash payments, and therefore cannot economize in this respect. It needs no argument to prove that in the matter of subsistence alone, thousands of dollars might be saved to the institution, and to the State, by placing the necessary means at its disposal. And while a large amount of labor is being done by the convicts, for the State, this ought to be done cheerfully; for if their labor was all employed in productive branches of industry, nothing of the kind would be necessary. The improvements, both of the Penitentiary and the Capitol Grounds, are indispensable, and would have to be paid for out of the Treasury, at an increased cost, if not done by convict labor. Why not employ the convicts, for whom the State must necessarily provide, and especially when, for want of adequate facilities, they cannot be employed inside? Of course their employment upon the Capitol Grounds is only temporary, and cannot continue beyond another season. And whatever the system under which the convicts are worked, it is the duty of the State to provide for their wants, and ultimately, for the employment of the whole force within prison walls, where the police expense is comparatively light. No objection can be urged to their employment upon the improvements of this character, especially as a large part of such labor is done inside. The practical thought is this: that while convict labor is diverted from employments immediately productive, and for the benefit of the State, and a necessity is thus created for appropriations from the State Treasury, a saving of from fifteen to twenty-five per cent, in the expenses of the institution, by an appropriation in anticipation of its wants, would be an economy. And if the ultimate necessity can be foreseen, it ought to be made; otherwise the Penitentiary would be rendered subject to extortion, while appropriations in advance, would give it the advantages of an active competition on the part of sellers. Why not provide in advance for this as for other inevitable demands upon the Treasury? When there ceases to be a large demand for

convict labor in Penitentiary extensions and improvements, and the State no longer appropriates such labor to its own special purposes, the necessity for such appropriations from the Treasury ought to cease. Until then, it cannot, in my opinion, whatever the system adopted, conducive in its tendencies to the great objects of a penal code.

#### CAPITOL GROUNDS.

In 1858, as noticed in my message to the Twentieth General Assembly, the heavy excavation necessary to bring down the surface of the Capitol Grounds in accordance with the plan of the Engineer, was principally done; all the earth thus removed having been used in filling up the deep ravine east of the Capitol. The measurement of earth thus excavated exceeded forty-six thousand cubic yards. Much other work had been done, in removing buildings, and upon the new streets contiguous to the Grounds, and to the masonry of the enclosed walls.

Since that time, although, because of the delay in making the necessary appropriation, the work was suspended for several months, a large amount of labor has been done; altogether, sixty-seven thousand three hundred and seventy-six cubic yards of earth have been excavated; all of which has been used in filling the Grounds and the adjacent streets. To fill the lower terraces, it has been necessary to move much of the earth two or three times. Up to this time, three thousand one hundred and eighty-five cubic yards of masonry has been done. Among the improvements completed is a coal-house; also, a railroad track for bringing fuel, and all heavy articles and packages, from the lower to the Capitol plateau. A large part of the terracing has been done; some parts of the wall have been finished, and the greater part of the foundation laid; a large quantity of rock quarried; and nothing need hinder the rapid progress of the work, when the weather will permit a resumption of labor upon the inclosure. The work, some of the hauling excepted, has been done by convict labor; and it will be an

economy for the State to complete the improvements by the same means.

A further appropriation will be needed, and should be made during this session of the General Assembly, as there can be no suspension of the work without serious detriment to the public interest. When done, the Grounds will be an ornament to the Capital City, and a credit to the State. If no other consideration could influence us, State pride should induce us to exhibit the necessary liberality in this matter. The terraces have yet to be completed; the principal level has to receive its finishing grade, its ornamental work, its walks, etc., which should be done under the supervision of the present competent Engineer. A part of the wall work is yet to be done, and the larger part of it has yet to receive the iron railing. Further improvements have also to be made to the contiguous streets. And, lastly, all the Grounds, according to the original design, have yet to be ornamented with shrubbery and shade trees. These several expenses should be carefully estimated, and provided for by the necessary appropriation. I beg leave to suggest, further, that a law be passed, protecting the Grounds from trespass and damage, affixing suitable penalties to its violation, and making provision for its rigid enforcement. Without a statute of this kind, every conceivable liberty would be taken with the Ground and its ornaments.

#### GEOLOGICAL SURVEY.

During the last two years the Geological Survey of the State has been prosecuted with commendable energy and eminent success. At the close of the year 1858, forty-four (44) counties had been completed, seven half finished, and nine others commenced. Now, as I learn from our able Geologist eighty counties are completed, thirteen and a half are finished, and ten others commenced. This leaves thirty-three counties to be completed, thirteen of which, as before stated, are half done, ten commenced, and only ten in which no work has been done. According to the

opinion expressed by the Geologist in the report made by him in Dec., 1858, it would then require four years to complete the survey. From the facts already mentioned, it appears that more than half the field work then remaining to be done has been accomplished; in addition to which a large amount of office labor, equally important and indispensable in its character, has been performed. Numerous soils, coals, ores and mineral waters, it is stated, have been analyzed; hundreds of new fossils have been discovered and classified; county reports and county maps have been made out for nearly all the counties completed, and many of the maps engraved and colored for the final report. I have no reason to doubt that the small amount needed to complete the work and publish the results to the world, will render the whole survey in the highest degree useful, and entirely satisfactory to all who are competent to judge of its merits. It will be a contribution to the scientific world, of which Missouri may be justly proud, and from which our State may confidently expect to derive no inconsiderable share of her rapid advancement to future pre-eminence. The work already done, although spread over a large area, I have reason to believe, has been thoroughly and systematically performed, and will reflect great credit upon the State. Excepting New York, Pennsylvania, Texas, and California, no State has undertaken a survey on so liberal a scale; no survey has been so thoroughly done, and none can show so many and so valuable scientific results. The reports already published have commanded the confidence of scientific and practical men, both in this country and in Europe. Large portions of them have been republished in Europe, and they are everywhere quoted as authority on our Geology, and our Mineral and Agricultural resources.

By those who could appreciate Geological facts, and had any just conceptions of the resources of our State, much was expected from the survey; but it will more than realize their expectations. Since it was commenced, some fifteen millions of acres of the public lands in our State have

been sold and placed upon our tax books; numerous mines have been opened and furnaces built; farmers have ploughed deeper, and cultivated with greater success, and new manufactories have been built and old ones enlarged. The Geological survey has contributed its quota of the influences which have brought about these beneficial results. Thus far the survey has proved the existence of good workable leads of coal in inexhaustible quantities, underlying an area in the State of over 27,000 square miles; of more than one thousand valuable veins (Granby as an illustration) of lead ore; more than half as many of iron; besides many of zinc, copper, hydraulic limestone and mineral paints. The survey and consequent experiments fully prove that a portion of the State (mostly south of the Osage river) once considered by the superficial observer as almost worthless, has a soil (rocky and broken as it is) and a climate wonderfully adapted to the grape and other valuable fruits.

I have referred to several of these facts in a former message, and to some of them more in detail; but I could not forbear calling attention to them again, showing conclusively as they do, in my opinion, that even the strictest economy should secure the small appropriation needed to complete the survey, and to publish the results in a substantial form. Our exhaustless and varied mineral resources may be invaluable in rendering us independent of foreign supplies. It is therefore both our interest and our duty to be fully informed ourselves, and to give all possible publicity to the facts.

#### EDUCATION.

The act passed during the Adjourned Session of the General Assembly, vacating the several Chairs of the State University on the 5th of July last, and the election of an entire new Board of Curators, has resulted in a thorough reorganization of that Institution. The present Faculty, I have reason to believe, enjoy the confidence of the public; and all the asperities which have hitherto marred the usefulness of the University seem to have subsided. The

result is an increased patronage, and the prospect of future prosperity. It is hoped that its present high scholastic merits may not be dimmed or overshadowed by any of the causes that have hitherto impaired its efficiency, and alienated from it the affections of the people. Standing at the head of the educational facilities of the State, our citizens, whatever their religious views or political sentiments, should feel a deep solicitude for its success, and a just pride in making it, in the broadest sense of the term, a *University*—a centre of science and literature, capable of preparing its graduates, so far as scholarship is concerned, for all the avocations of life, and of so educating them as to make them ornaments of their several professions. And located as it is in the central State of the Mississippi Valley, and in that which is to be the great *central Empire State* of these United States, it ought to stand out prominently before the world, second in its scholastic merits to no other institution of learning upon the American Continent. Such may be its destiny; and to this degree of eminence it will attain if the people of Missouri are true to themselves, and extend to it the fostering care and the ample patronage which their own interests bespeak for it. I am not aware that any legislation affecting the University is necessary, and trust that there may be none calculated to disturb the course now marked out for it by its present able Board of Curators. It is believed that ample powers are given for enlarging its curriculum, whenever circumstances demand or justify it.

It is with no ordinary degree of satisfaction that I refer you to the statistical evidences, which you will find in the report of the Superintendent of Common Schools, of the rapid growth and the increased appreciation exhibited by our people of our Common School System. In the biennial message of 1858, allusion was made to the very great increase in the number of school houses and teachers, and the more than a correspondingly increased aggregate of money raised in the State since 1854, for the building and repairs of school houses. On this occasion I have thought it

proper to call attention to the increase of the last two years over the aggregate of the two preceding years. The following table exhibits interesting facts in a very satisfactory light:

Years.	No. district.	Whole No. children in State bet. 5 and 20 years.	No. taught during year.	No. of school houses.	No. of teachers.	Total amount paid teachers during year.	Amount raised to build and repair school houses.
1859. . . .	5,277	385,639	171,378	4,272	5,720	\$691,421.12	\$192,423.55
1858. . . .	4,916	367,248	159,941	3,878	5,053	580,767.50	107,599.76
1857. . . .	4,640	341,121	141,328	3,382	4,397	497,810.00	130,236.85
1856. . . . .	3,858	302,126	97,907	2,671	2,889	379,815.88	32,571.96

It will be seen that our Common School facilities keep pace with our increase in population, while the evidences of a greater interest in educational affairs are manifested in a substantial manner by the very large increase in the aggregate amount paid to teachers and raised to build and repair school houses. The last item has grown, since 1856 from \$32,571.96 to \$192,423.55, in 1859; while the former, a part of which is also a self-imposed tax, has increased in the same period from \$379,815.88 to \$691,421.12. The number of children attending our Common Schools in 1856 was only 97,907, but in 1859 it reached 171,378—an increase of over seventy-five per cent.—while the increase in the number of children in the State during the same period was less than twenty-eight per cent. This is a very encouraging fact, and should induce us to maintain the system intact, taking care never to lessen its efficiency, and ever guard it from every inroad by special legislation. The system should be universally and uniformly operative throughout the State, except in dense populations, where its usefulness might be enlarged by the addition of higher central schools. In addition to the evidence of advancement derived from official documents, I have been pleased to learn from Mr. J. L. Tracy, a gentleman who has spent the last two years in laboring for improvement in the school system of the



State, that there is everywhere, amongst teachers and people, a desire to set up a higher standard—a disposition to build better school houses, employ abler workers, and secure a higher style of workmanship.

In this enlightened age it is unnecessary to urge the importance of universal education, or to proclaim the necessity of a system of free schools as the means of securing the education of the masses. Without such a system many children, from the force of circumstances, are sure to be neglected; many because their tuition would be, in fact, or esteemed, burdensome, and others because the absence of a free school system tends to foster indifference, and furnishes at least a pretext on the part of parents and guardians to discharge faithfully their duty in this respect. Where there has long existed a thorough and effective system of Common Schools, there the people more generally receive, in early life, some instruction in the rudiments of an education—enough to arouse the spark of genius, if it exists; while, without such advantages, the awakening of strong mental powers, and their proper guidance, are seemingly, matters of chance, which may or may not happen.

Little enough has been done in the development of the intellectual powers of a people, when all has been done that the best devised system of Common Schools can accomplish. A government founded upon the virtue and intelligence of the governed, disregards and neglects the chief means of its own perpetuity, in omitting to provide a system of school free to all. And it has done its duty only nominally until it has so far perfected that system as to commend it to the judgment of a truly intelligent people.

The members of the General Assembly are aware that the creation of a school devoted especially and solely to the qualification of persons for Common School teachers, is advocated by many in our State who have thought much upon the subject, and who feel deeply its importance. Many of these are practical teachers, who have the means of knowing our wants in this respect. It is urged that special instruction is as useful to the members

of this as to those of the other learned professions; and it is further claimed that specific instruction in such an institution has a marked influence in determining its graduates to make teaching a life-long profession, thus securing to a community a much larger number of experienced teachers. My observation of the other professions, legal, medical, and theological, assures me of the truth of the latter statement. I would therefore recommend the proposition for a Normal School to your earnest and deliberate consideration. If such a school can be founded in our State without adding, in this session of financial embarrassment, to the burdens of the people, or unjustifiably diminishing the *pro rata* of the Common School fund, the object sought will be worthy of the exercise of your most profound wisdom for its attainment.

#### BENEVOLENT INSTITUTIONS.

The several benevolent institutions under the patronage of the State deserve, and will doubtless command, your sympathies and fostering care. If any class of our citizens are entitled to the tender solicitude of those in official station, it is those who by natural or accidental disabilities are disqualified for properly caring for themselves. The institutions for the Blind, the Deaf and Dumb, and the Lunatic Asylum, will all require appropriations for their support during the next two years.

#### INTERCHANGE OF PUBLIC DOCUMENTS.

I desire to renew my recommendation that statutory provisions be made for an interchange of copies of laws and other public documents with the Choctaw and such other Indian Nations within the Territory of the United States as adopt the customs of civilization and a republican form of government.

#### EXECUTIVE MANSION.

My term of office now expiring, and having, therefore, no personal interest in the matter, I feel at liberty to remind the General Assembly of what I said to the last, in relation

to the Executive Mansion. Its inconvenient construction, and dilapidated condition, renders it almost untenable, and wholly unworthy of the State. In my opinion, provision should at once be made for the erection of a new and substantial edifice.

#### CONCLUSION.

Being about to retire from the Chief Executive office of the State, to which I had the honor of being called by the suffrages of the people in 1857, and closing now an uninterrupted official career of over fifteen years, commencing as it did in 1845, in the Convention for the formation of a new Constitution, I will be permitted, I trust, to refer briefly to the past, without being regarded as specially amenable to the charge of egotism. The only official positions, of a public character, I have ever held, except an office in the army and a brief service as Register of Lands in the Platte District, have been received at the hands of the people; and in every instance that I have been a candidate for office, I have had the honor of being elected. From the time of the Convention in 1845, until elected to the office of Governor, I occupied a seat in the State Senate, to which I was elected in the last instance without opposition. Twice I was brought to the Senate on my bed, and, in consequence of having been a cripple, was obliged to lodge and receive my meals at the Capitol. For the many kindnesses experienced under such circumstances, I shall ever gratefully remember my fellow Senators, who were specially indulgent to me, and the members of the House of Representatives; and I shall feel, while life lasts, a deep and abiding sense of my obligations to the citizens of Jefferson City for the many evidences of sympathy exhibited, and acts of kindness conferred upon me during my sojourn amongst them.

I will be excused for one other remark in relation to my official career. Although the paternity of many bills were attributable to me during my Senatorial service, I never offered a bill that was not successful in the body of which I was a member. Nor did I ever fail to carry my bill over

the Executive veto. It is also true, that in no instance has a bill I have vetoed become a law. I mention these facts as occasion for self-gratulation, and as demanding the special acknowledgment of my gratitude to those, with many of whom I have so long sustained official relations, begetting associations calculated to awaken the warmest emotions of a heart sensitive to the kindly offices of others.

Returning now to private life, with the purpose never again to seek or accept any office in the gift of the people, or of government, I shall carry into my retirement a grateful recollection of the many favors the people have so generously bestowed upon me, and of the numberless acts of kindness received at the hands of those with whom I have necessarily had intercourse in the discharge of my official duties.

Allow me, gentlemen of the Senate, and of the House of Representatives, again to express the hope that the public good may prompt, and the highest political wisdom direct you in all your deliberations, and that Heaven's choicest blessings may attend your official action, and go with you on retiring to your respective homes.

With renewed assurances of my esteem, it only remains for me respectfully to tender my official FAREWELL.

R. M. STEWART.

## VETO MESSAGES

## TO THE SENATE

NOVEMBER 4, 1857

*From the Journal of the Senate, pp. 110-111*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 4, 1857.

*To the Senate:*

Gentlemen—There has been presented to me, for my approval, “an act to amend an act to incorporate the Boatmen’s Savings Institution,” approved November 30, 1855.

By the original charter, the amount of capital stock was one hundred thousand dollars, with the privilege of increasing it to half a million, and no individual or firm, during the first five years of the existence of the corporation could own, at any one time, more than one hundred shares of stock, the shares being one hundred dollars.

The amendatory act increases the capital stock to one million of dollars, and repeals that part of the charter which limits the number of shares to one hundred to an individual or firm.

The banking system recently established in this State, very wisely and properly, I think, allows no one person to take more than one thousand dollars of stock in the banks.

This principle of that enactment, I conceive to be correct, and may with equal propriety be applied to Banking Institutions, similar to the one before me. It will prevent a few individuals from monopolizing the stock, and wielding the power which it gives them (in the control of the institution) to their own private advantage, and to the detriment of small stockholders and others, and thus operate as a salutary check in its management, and guard against the abuse of the corporate powers and franchises.

For these reasons, I deem it my duty to decline, respectfully, approving the bill, and herewith return it for such

further action as the General Assembly, in its wisdom, may think proper to take.

Very respectfully,  
R. M. STEWART.

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*TO THE HOUSE OF REPRESENTATIVES*

JANUARY 24, 1859

*From the Journal of the Senate, pp. 187-188*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, JANUARY 24, 1859.

*Mr. Speaker, and Gentlemen of the House of Representatives:*

In returning to the House, without my signature, a bill, entitled "an act to vacate an alley in Smith's Addition to the city of St. Joseph," it becomes my duty to state my objections thereto.

When a town has been laid out, streets and alleys therein dedicated to public use, and property bounded thereby sold to individuals, the use and conveniences of said streets and alleys become, to the property holders in the town, and especially to those owning the contiguous lots, vested rights, with which the government cannot interfere, except in cases where said streets or alleys are indispensable to a paramount public interest; and, even then, they cannot be taken without making just compensation to the owners of the property thereby damaged.

In abolishing the alley referred to in this bill, the value of the contiguous property would be diminished, because it would be made less accessible; and, besides, the alley, if it remains open, will be a convenience to the adjacent portions of the town; and for this reason, if for no other, ought not to be abolished. A more potent, and a constitutional objection, exists in the fact that this alley is not taken by this act for public use, in the proper sense of the term, but to subserve private interest. Again, the compensation or equivalent, conditionally promised, will not inure to the property holders contiguous to the alley, to be thus vacated,

but instead thereof its immediate advantages will accrue to other property. My objections then, are, that the act interferes with vested rights; that it is in direct disregard to the seventh clause of the Declaration of Rights, which says that "no private property ought to be taken or applied to public use, without just compensation"—the legitimate use of the alley, so far as it is specially a convenience to the contiguous lots, being to that extent private property, a vested right acquired in the purchase of said lots; that the alley is a public convenience and necessity; that the equivalent proposed will not attach to the property injured; and that, as the alley is not to be abolished for the public good, the government has no power to divest the owners of the contiguous lots of the benefits which the owners of said property are legally and justly entitled to, in the use of said alley. I trust that the objections here submitted for consideration will be sufficient to induce the Assembly to concur with me in the opinion that the provisions of this bill would work an injustice in their operation and that they are unconstitutional.

Very respectfully,

R. M. STEWART.

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## TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 1859

*From the Journal of the House of Representatives, pp. 247-248*

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EXECUTIVE DEPARTMENT. CITY OF JEFFERSON, MISSOURI, Feb. 10, 1859.

*Mr. Speaker, and Gentlemen of the House of Representatives:*

Sir—It becomes my duty to return, without my signature, a bill, entitled

An act to authorize the sale of an alley in the town of Trenton.

For my objections to the bill, I respectfully refer you to my message which accompanied the bill returned by me to the House of Representatives, on January 29th, in relation to "an act to vacate an alley in Smith's addition to the

city of St. Joseph." The constitutional objection to legislation in regard to that alley, is equally applicable to this.

If an act of the General Assembly can facilitate the transfer by the property holders of the town of Trenton, of their interest in the alley as a thoroughfare, there could be no objection to authorizing them to so act in their individual capacity.

Very respectfully,

R. M. STEWART.

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### TO THE SENATE

FEBRUARY 23, 1859

*From the Journal of the Senate, p. 293*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, MISSOURI, Feb, 23, 1859.

*Mr. President, and Gentlemen of the Senate:*

In consequence of information just received from the Judge of the Twelfth Judicial Circuit, I regard it my duty to return to your body, without my signature, a bill, entitled "an act to change the time of holding the Circuit Court of Platte county."

The next term of the Circuit Court in that county would commence, in accordance with the existing law, on the first Monday in March, only twelve days hence. The Judge states that all the preparations have been made for the term; that there are four hundred and eighty-five cases on the docket; that subpoenas were issued; that two hundred and eighty-seven executions are in the hands of the Sheriff; all the levies made and the property advertised.

Under these circumstances it must be apparent to the General Assembly that the proposed change, postponing the term of the court for a period of eleven weeks, must very much derange the business of the court, cause a large additional and unnecessary expense, and work serious injury to many interests involved.

And it is stated that the change is not desired, there being no good reason for it.



In addition to the large amount of civil business upon the docket, there are criminal suits in which the parties are charged with high crimes, and about which the public mind is much excited, demanding a prompt disposition of them.

With these facts before you, I doubt not the General Assembly will concur with me in the opinion that the change provided for, in the accompanying bill, ought not to be made, or if made, should not be made applicable to the term of the court just at hand.

Very respectfully,

R. M. STEWART.

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### TO THE SENATE

FEBRUARY 26, 1859

*From the Journal of the Senate, pp. 327 329*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO., February 26, 1859.

*Mr. President, and Gentlemen of the Senate:*

I very much regret that my constitutional obligations, and my views of public policy, compel me to return to your body, together with my objections, a bill, entitled "An act to provide for the administration of the affairs of St. Louis county."

The only proper object of government is the protection of rights, personal and collective, the rights of individuals and of communities, as well as of nations. Any government administered in disregard of either is a despotism.

In a government of which a written constitution is the basis, a strict adherence to its plainest import, is the only safe rule of action or of legislation. This course alone will secure justice and equity. And if, as in a republican form of government, that Constitution has emanated directly from the people, any disregard, either by the executive or legislative department, of its letter or spirit, is not only a usurpation of power, but tends to weaken confidence in, then to destroy all respect for the government, and finally to anarchy. It is of the utmost importance, therefore, not only that the legally constituted authorities, whose province it is to exe-

cute the laws, should be scrupulously careful to be governed by them, but that the law-making power, should, in its legislative enactments, adhere strictly to the principles and observe, carefully, the letter of the fundamental law wherein that power is defined. Any attempt to transcend that limit is mischeivous in its tendercies, endangering both the rights and the liberties of the people.

In the bill which it becomes my duty now to consider, the plain declaration in the Constitution, (Section 3d of Article II, amendments to the Constitution) that the Clerks of the Circuit and County Courts of the respective counties shall be elected by the qualified electors of their respective counties, and shall hold their offices for the term of six years, and until their successors are duly elected, commissioned and qualified," is wholly ignored, and its spirit and letter violated. For although the tribunal proposed to be created, is designated a "Board of Commissioners," it is to exercise the functions of, and is *de facto* a County Court, and the present County Clerk is entitled to hold his office, the six years for which he was elected, and his successor must, in accordance with the Constitution, be elected by the qualified electors of the county, and not appointed or legislated into office.

The constitution having confided to the General Assembly the power to organize and establish all inferior judicial tribunals, it is doubtless competent for said Assembly to abolish them whenever they cease, as organized tribunals, to effect the ends for which they were institutied. In the exercise of this power, however, the Legislature should take great care not to leave it to be inferred that the purpose is to get rid of the incumbents of the office, and not to get rid of an erroneous system.

The County Court system has worked satisfactorily all over the State, except in instances where the incumbents of the offices have proved to be incompetent.

Is it or not true, that in St. Louis county the objection is not to the court, but to the judges thereof? This question should be well considered, for if, because the incumbents

are odious in the particular instance, or the people are momentarily excited against them, the General Assembly is to be called upon to abolish the tribunal, it must result in confusion and anarchy. If the County Court of St. Louis county, because the Judges are supposed to be unpopular, can rightfully be abolished, may not the same thing be done, in reference to every court in the State, and thus substitute legislative enactments for all the laws providing for the removal or impeachment of Judges? Is this fair to the incumbents; or, in behalf of the community, good policy?

In reference to the Clerk of the County Court, it is clear, as already stated, that his office is established by the Constitution, and cannot, therefore be abolished. But, again, the attempt to legislate particular men into office is decidedly objectionable; it is not properly a legislative or law-making power, but an Executive one, to be exercised either by the Executive or by the people themselves, as may be thought best. In this case the power has heretofore been confided to the people themselves, whose interests are alone affected. They are the best judges of the matter, and to thrust officers over their heads and against their wills is to strike at the seminal principles of republican government. It is to deny the competency of the people to manage their own affairs, and worse still, to assume that the representatives of the people of other counties are better qualified to appoint officers for St. Louis county than the people of that county. The precedent is pregnant with mischief. If this can be done for St. Louis county, why may not the General Assembly assume the power to appoint all the officers in every county—Judges, Sheriffs, Constables, and all? And why may they not appoint all the Circuit Judges, Circuit Clerks, etc.? The principle of action is the same.

The people of St. Louis county have elected County Judges. The law provides for punishing or impeaching them if guilty of any wrong. It is wrong for the General Assembly, on *ex parte* statements, to assume the judicial authority to remove or punish them.

The general ticket system of election is vicious in its tendencies, especially in a county constituted as St. Louis is, and is likely, ultimately, to result in depriving the various sections of a fair consideration of their interests in the management of county affairs. it also leaves room for combinations, injurious to sections.

The powers of the Auditor are, in my opinion, too great and it is to be feared would be found to absorb in practice all the powers of the Commissioners. The clause providing that when claims are twice rejected, they shall be forever barred, is unconstitutional, because it impairs the obligation of contracts. It is not analogous to a limitation law, because that proceeds upon the idea that all men will demand debts due them within a certain term of years, and if they do not, the fair presumption is, that they have been paid. In this case, however, no such presumption can arise and it is, therefore, a flagrant violation of the Constitution. Again, the act denies an appeal to a higher court after a claim has been twice rejected. The obvious result of this will be, that when claims are once rejected, they will be sued upon. No one would be willing to run the risk of a second rejection. This provision, therefore, will produce perpetual expensive and dangerous litigation.

I have already referred to the constitutional objection to the bill, arising from the clause which ejects the County Clerk from office. But this latter constitutional objection is still more fatal. I have pointed out what would probably be the course pursued by the creditors of the county after their claims have been once rejected, and I have shown that if the course was pursued, the courts would be filled with suits against the county. I must now, farther in reference to this clause, call your attention to the unconstitutionality of its provisions. It provides that if creditors shall present their claims to the Board a second time, and they are rejected the claims shall be forever barred. It must be borne in mind that this Board is not a judicial, but an administrative tribunal, and hence the rejection of a claim is not a judicial decision of the rights of the parties. Is it not clear then that

the clause is a violation of the constitutional provision respecting the obligation of contracts? The Board is empowered to cause contracts to be entered into on behalf of the county for the construction of roads and bridges, and other public improvements. After these works are constructed, the workmen present their accounts to the Board; that is to say, the creditor asks the debtor to pay this debt, and, because the debtor twice refuses to do it, this act declares that the creditor shall forever be barred. I am unable to perceive how it can be maintained that this is not a violation of the obligation of contracts. In entering into contracts, the Board, or those whom they empower, act as the agents of the county. The contracts are therefore, with the county, and if its agents are empowered to get rid of liabilities as this bill provides, it is tantamount to authorizing one party to a contract to enforce it as against the other party, and to annul it so far as its own obligations are concerned.

Upon reflection, I think it will be plain to every member of the General Assembly that the objections here presented, are insuperable, and, I doubt not their hearty concurrence with me in the views herein submitted.

Very respectfully,  
R. M. STEWART.

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### TO THE SENATE

MARCH 9, 1859

*From the Journal of the Senate, pp. 438-442*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, MO., March 9, 1859.

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*Mr. President, and Gentlemen of the Senate:*

Regarding the bill entitled "An act in relation to the completion of the Hannibal and St. Joseph Railroad," as a proposition to interfere with vested rights, and to limit authority not derived from the law-making power of this State, and calculated, in its effects, even though ultimately declared, as it would be by the highest judicial tribunal of

the country, a nullity, to damage the interests of the State which it is the ostensible object of the bill to project, and also to seriously injure the company to which it is made applicable, I cannot do otherwise than return it to your body with my objections, and ask at your hands a candid and dispassionate consideration of the facts and views submitted.

This legislation seems to be based upon the idea that the Federal Government, by which the State of Missouri was made a trustee, or the State itself, is liable to loss; a danger which, if it exists, necessarily involves the bad faith of the Hannibal and St. Joseph Railroad Company, and also a lack of fidelity on the part of the Governor of this State, to the trust reposed in him. It is evident, however, that the Federal treasury has not suffered, and cannot suffer, in consequence of the donation of lands appropriated in aid of the construction of that road; for the lands granted by Congress to the State, in trust, for this purpose, have been paid for to the grantor, by doubling the price of the adjacent lands, which have, in consequence of the construction of said railroad, all been sold. Of course the bargain has been profitable to the United States, because the lands have been sold much sooner than they would have been without this grant. It is plain, also, that the State has incurred no risk, and can suffer no loss by reason of this grant; for the lands granted were not originally, never have been, and never can become, the property of this State. The act of Congress granting said lands explicitly provides, "That the lands hereby granted shall be *exclusively* applied in the construction of that road for which it was granted and selected, and shall be disposed of only as the work progresses, and the same shall be applied to *no other purpose whatsoever*." It is further added, "That the said lands hereby granted to the said State shall be subject to the disposal of the Legislature, for the purposes aforesaid, and *no other*." And further, "If said road be not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States."

From these provisions it is clear that the State is a mere trustee. Having made the present Hannibal and St. Joseph Railroad Company the beneficiary of the grant, the State can do no act tending, needlessly, to injure the credit, or to embarrass the finances of said company, without becoming amenable to the charge of mal-administration, doing the company and the State great injustice.

The act of Congress, it is true, gives the control of the lands in question to the General Assembly; but the Assembly exercised its entire control by enacting, in the act approved September 20, 1852, section one, "that the aforesaid lands, together with all the rights and privileges thereto belonging or in said act granted, shall *vest in the full and complete title in the Hannibal and St. Joseph Railroad Company*, for the uses and purposes, and subject to the conditions, reversions and provisions set forth and contained in said act of Congress."

These conditions, this reversion, and these provisions, are as follows: "That the lands hereby granted to said State shall be disposed of by said State only in the manner following: That is to say, that a quantity of land not exceeding one hundred and twenty sections on each road (the Hannibal and St. Joseph and the Pacific,) and included within a continuous length of twenty miles of said road, may be sold, and *when the Governor of said State shall certify* to the Secretary of the Interior, that said twenty miles of said railroad is completed, then another like quantity of land hereby granted may be sold, and so from time to time, until said road is completed; and if said road be not completed within ten years, no further sales shall be made, and the land unsold shall revert to the United States."

I have quoted the latter clause a second time, in its proper connection, to show that a reversion of the lands to the United States is the inevitable result of the non-fulfillment of certain conditions; and that one of the conditions is that *the Governor of the State shall certify*, not in accordance with the whims and caprice of the legislative power of this State, acting possibly, under influences generated by

local prejudices, or political or personal considerations, unrecognized by the majority, but in accordance with the provisions of the act of Congress; or, in the language of our statute, by which the rights, "privileges," etc., of said grant are vested in the Hannibal and St. Joseph Railroad Company, in accordance with "the conditions, reversions and provisions set forth and contained in said act of Congress," without legislative restriction or qualification.

Nothing can be plainer than that the act of Congress makes it the *sole* duty of the Governor to certify as to the completion of said road, and any attempt to substitute other parties for the Governor, or to exercise a control over him, would be unjust to him, and in disregard of, and a fruitless attempt to nullify an act of Congress. No good, therefore, can result from an attempt to interpose an authoritative report of the Board of Public Works.

But the act of the General Assembly, before referred to, approved Sept. 20, 1852, goes further in proof of the fact, that the Legislature has now no power to withhold the lands from the Hannibal and St. Joseph Railroad Company, in saying that "for the purpose of raising funds from time to time, for the construction and completion of said road, and the purchase of iron and other materials to be used thereon, said company may issue their bonds in sums of not less than five hundred nor more than one thousand dollars each, at rates of interest not higher than seven per cent. per annum, payable semi-annually, and the principal of said bonds payable at the pleasure of said company, at such place as it may designate. The payment of said bonds may be secured by the mortgage of said lands, to be executed by said company, subject to the *reversion* in the said act of Congress provided for."

If the General Assembly ever had any right to withhold the lands, under any circumstances, from the company, made by its own act the beneficiary of the grant, the law authorizing the lands to be mortgaged, subject *only* to the reversion provided for by the act of Congress (this being the only condition expressed, in anywise impairing the title)



necessarily divested itself thereof; and any attempt to exercise such a power, must now, by reason of the act referred to, be wholly unavailing, because illegal. If the right had ever been possessed by the General Assembly to qualify the authority of the Governor, (which is most unequivocally denied,) it is now too late, as one party cannot impose any additional conditions upon a contract already closed, without the consent of the other contracting party. And so far as the grant of lands was "subject to the disposal of the legislature," it was, by this act, "disposed of."

It only remained for the Governor, who, alike with the Legislature, was entrusted by Congress with specific duties, to "certify," when the facts accorded with the conditions named in the grant. And alike with the Legislature, he was empowered to discharge his duties under no restraints save those imposed by his oath of office and the provisions of the act prescribing said duties.

In accordance with the act of the General Assembly referred to, bonds have been issued, and the title to the lands has been vested in the hands of trustees, for the purpose of applying all the proceeds of said lands to the extinguishment of said bonds based on them; and the bonds are in the hands, to a great extent, of innocent holders, who have invested their capital on the pledged faith of the State of Missouri in its positive law, vesting the title of the lands in the Hannibal and St. Joseph Railroad Company; and in the still farther authority given to mortgage, subject only to the danger of reversion, and to the necessity of the *Governor's* certificate. Any act of the General Assembly, casting a doubt on the title of the lands, or affecting previous legislation, must affect seriously these bonds, and reduce their value in market, which I doubt our moral right to do, even though it were legal. Most unquestionably it is wrong if the action is, as I think, illegal.

Thus far I have considered only its constitutional or legal bearing, and the effect of the proposed action on those who, innocently relying on past legislation in Missouri have invested their money on the strength of it. It is yet

my duty to call your attention to its more immediate effect upon the Company itself. This Company foresaw that if it attempted, with the means at its command, to make, at once, a road altogether satisfactory even to itself, said means were not sufficient, and that in making the attempt there would necessarily be a protracted delay, thus depriving the Company of its greatly needed earnings, and the adjacent country and the traveling public of the facilities it might afford. Accordingly the road was forced through with temporary structures and heavy grades, and consequently, trains are now running through from the Mississippi to the Missouri river. The Company does not now and never has claimed, that the road was, in all respects, completed.

It is now, as rapidly as possible, making it a completed road. The means relied upon for completing the road are the surplus land bonds, yet in the possession of the Company, and they are being used for that purpose. If, therefore, by any action of the General Assembly, doubts are excited in the public mind of the validity of said bonds, and their market value is thereby destroyed or depreciated, the means of the Company wherewith to complete the road, will, to a corresponding extent, be destroyed, thus tending to defeat the very object, or the apparent object, of this bill. In making conditions the Assembly is, at the same time, taking away the means of fulfilling them. Such action, evincing, as it must, the inconsistency and uncertainty of legislation in this State, cannot fail to operate injuriously upon our State credit, and to depreciate the value of our bonds.

The objections to this bill, then, may be thus briefly stated: *First:* Its illegality, imposing, by subsequent legislation, conditions not embodied in the original contract, thus affecting the honor and plighted faith of the State: *Secondly:* Its attempt to qualify a power not conferred by the law-making power of this State: *Thirdly:* Its injurious and unjust effect upon the Company, in reducing its ability to accomplish the very end in view: *Fourthly:* Its

effect upon innocent bondholders who, relying on previous legislation have invested their capital, thus accommodating and benefiting us, who should, at least, take care not to unnecessarily injure them by legislation tending to reduce the market value of their investments

These several objections are founded upon the illegality or injustice of the provisions of the bill. I will add another, viz: its discourteous treatment of the Gubernatorial office of the State. As before shown, Congress, in making the grant of land, entrusted certain duties to the General Assembly of the State, and certain others to the Governor of the State. It would seem at least proper for each department to discharge its respective duties without any undue efforts to exercise a control of the functions of the other.

And so far as this action is personal to myself, it savors, to say the least of it, of injustice. Having originated the enterprise, and devoted my energies, for many years, to its consummation, doing much of the labor incident to its early history, when I was not only a cripple, but by ill-health reduced to a skeleton, wholly exhausting my means in my efforts to bring the enterprise into public notice, and to preserve its vitality after it was inaugurated, until it could command the confidence of the public; and this without any efforts for personal aggrandizement, never having entered or located a foot of land along the line of the road, and having identified my name and staked my reputation upon its success and future benefits to the State, I feel that while occupying the Gubernatorial chair, I am entitled, at least, to the confidence of the people, who, in view of every possible effort during the canvass which resulted in my election, to beget distrust in reference to these very interests, chose still to confer the office upon me. I feel that even though my early efforts in behalf of this enterprise, have resulted in inaugurating a liberal system of internal improvements in this State, all of which have received my hearty and earnest support, that those who entertain different views of public policy, have no moral right to seek to achieve their ends through personal injustice to myself, and especially

when that effort necessarily involves the exercise of a power not possessed.

In conclusion, I think it proper to say, that in the discharge of my official duties I should feel constrained to treat as a nullity the restrictions upon my action which this bill proposes to impose, and trust that these objections may be regarded as valid and sufficient, and thus obviate so painful a necessity.

Very respectfully,  
R. M. STEWART.

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*TO THE HOUSE OF REPRESENTATIVES*

MARCH 12, 1859

*From the Journal of the House of Representatives, pp. 540-548*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 12, 1859.

*To the Speaker of the House of Representatives:*

Sir—I have this day approved and signed bills of the following titles:

*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*

I herewith return, without my signature, bills of the following titles:

An act abolishing an alley in the town of Emerson, Macon county.

An act to vacate parts of certain streets in the town of Hamilton, in Caldwell county and

An act to legalize the sale of a certain street and alley in the town of Steelville, in Crawford county.

For my objections to said bills, I refer you to my message accompanying the bill proposing to vacate an alley in Smith's Addition to the city of St. Joseph.

I also return without my signature, bills of the following titles:

An act to incorporate the city of St. Francisville;

An act to incorporate the city of Waverly;

An act to amend the charter of the city of St. Joseph;

An act to repeal an act, entitled "an act to incorporate the city of Alexandria," and to enact the following in lieu thereof;

An act to incorporate the town of Miami, in Saline county;

An act to incorporate the town of Tipton, Moniteau County, Missouri;

An act to amend an act, entitled "an act to incorporate the town of Memphis, in Scotland county," approved November 4, 1857; and

An act to incorporate the city of Carondelet;

In all which is an express grant of power to abolish streets, alleys, etc. It will be evident to you, upon reflection, that the General Assembly cannot confer a power it does not possess; the creature is not greater than the creator.

It would give me pleasure to approve the said several acts of incorporation, if shorn of the objectionable feature referred to, requiring a very slight clerical erasure.

A few other bills are in my hands, some of which I could not approve and others I have not been allowed time to consider.

For the present, I have no further communications to make,

Very respectfully,

R. M. STEWART

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### TO THE SENATE

MARCH 14, 1859

*From the Journal of the Senate, p. 508*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO., March 14, 1859.

*Mr. President, and Gentlemen of the Senate:*

I herewith return bills of the following titles:

An act to incorporate the town of Gayoso, in Pemiscot county Missouri; and

An act to incorporate the town of Potosi, in Washington county;

In both of which is an express grant of power to vacate or abolish streets, alleys, etc.

If the General Assembly does not possess the power, it cannot confer it upon a corporation of its creation. I need not elaborate this point, and will therefore merely refer you to my objections urged against the bill proposing to vacate an alley in Smith's addition to the City of St. Joseph.

It would give me great pleasure to support these bills, if shorn of the objectionable feature, requiring a very slight clerical alteration or erasure.

For the present, gentlemen, I have no further communications to make,

Very respectfully,

R. M. STEWART.

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### TO THE SENATE

DECEMBER 2, 1859

*From the Journal of the Senate, pp. 37-38*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December 2, 1859.

*Gentlemen of the Senate:*

I herewith return to you a bill entitled

An act to authorize a resurvey of a part of Hudson City.

If any infringement upon the rights of the North Missouri Plank Road Company, or any private rights, has been by inadvertance or design attempted in the original survey of the town, it is, so far as the trespass is concerned, a nullity, and in case of an attempt by the party trespassing to occupy the premises, the party in whom the fee simple vests has a remedy in our courts of justice; and if any sales of lots have been made in any part of the town where the fee simple existed in the original proprietor, according to the plat filed, a change can be made easily with the present owners.

The objections heretofore urged in my former messages against the right of the General Assembly to vacate streets and alleys in other towns and cities, are equally applicable

in this case. I am therefore constrained to withhold my signature from the bill.

It is my duty, also, to return with my objections a bill entitled

An act supplemental to an act entitled "an act to amend the charter of the city of St. Joseph."

This bill confers upon the city authorities the power to regulate and prescribe the location of the track of any railroad within the corporate limits of said city, and also to regulate and determine the location of railroad depots, machine shops, and all other railroad buildings within the limits of said city.

This would give the city authorities the power to cause a railroad track, depot, machine shop, etc., to be removed after having been once located, even where titles to real estate have been acquired, and large expenditures made by a railroad company; it would therefore be authorizing the infringement of vested rights, and the city authorities would be at liberty to order a relocation as often as caprice or the occult influence of private interests should be able to obtain a controlling voice in the municipal councils.

This bill would also enable the city authorities to compel a railroad company whose road is designed to run to and beyond the city in the same general direction, to locate and establish depots, disconnected by rail, at the extremes of the city, or to locate its tracks or depots so as to subserve other interests to the prejudice of the interests of the company, and also that of commerce and of the traveling public, for no adequate reasons. If a railroad company or railroad companies have acquired or shall hereafter acquire the fee simple to property within the corporate limits of St. Joseph, it is not the province of the General Assembly to disturb said company or companies in the legitimate occupancy thereof. I doubt not that the Legislature will concur with me in these objections to the bill.

Very respectfully,

R. M. STEWART.

## TO THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 1859

*From the Journal of the House of Representatives, pp. 37-38*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December 2, 1859.  
*Gentlemen of the House of Representatives:*

Herewith I return to the House a bill entitled "an act respecting the County School Commissioner of the counties of Jasper and Barton." In view of the fact that the general school law makes it the duty of the Clerk of the County Court, in case of vacancy in the office of County School Commissioner, to discharge the duties of said office, and of the further fact that the County Court may appoint its Clerk as School Commissioner, this act is wholly unnecessary. It can only make obligatory that which now exists as a discretionary power, besides the objection to local legislation which is destroying the uniform applicability of our statutes to an extent illy calculated to add to the dignity of, or to command respect for, the laws of our State. An act abolishing the office of County School Commissioner tends to impair the efficiency of our common school system. One of the provisions of the common school law, and the provision which perhaps more than any other has raised the standard of qualification for the position of common school teacher in our State, and thereby improved the character of our common schools, makes it necessary for teachers to procure a certificate of qualification from the County Commissioner,—an officer who is likely to be appointed because of his fitness for the proper discharge of his duties. But this bill transfers the duty of examining teachers from a Commissioner to Township Trustees, very many of whom, it is well known, have not, and can not be expected to have, the necessary scholastic attainments. We have only to recur to our experience prior to the enactment of the present general law to be reminded of the almost useless expenditure of school money paid to teachers altogether unqualified. The bill here considered, would be a retrograde movement



so far as Jasper and Barton counties are concerned. Another reason why it is not worth while to make the proposed change now, is the fact that under a general law which goes into operation in 1860, our School Commissioners become elective at the next August election in every county in the State. It is hoped that these objections will be satisfactory to the General Assembly, and that all attempts at special legislation, affecting our common school interests, will hereafter be regarded with disfavor. Very respectfully,

R. M. STEWART.

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*TO THE HOUSE OF REPRESENTATIVES*

DECEMBER 2, 1859

*From the Journal of the House of Representatives, p. 38*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December 2, 1859.

*Gentlemen of the House of Representatives:*

I return to you a bill entitled "An act to suspend the further issue of bonds of the State to the Cairo and Fulton Railroad Company."

My first objection to this bill is, that, without any forfeiture or fault on the part of the Company, it is a disregard of obligations the State had entered into with the Company, under which said Company had made arrangements for prosecuting the work of construction, and entered into contracts with third parties. Under the law authorizing the loan of bonds to the Company, vested rights had accrued, which could only be annulled by a forfeiture on the part of the Company.

The bill, it will be remembered, was passed before the adjournment in March last. In conformity with my duty, upon the presentation of the proper evidence, I have caused to be issued all the bonds due that Company under the law. The bill, if approved, would consequently be a nullity, and I therefore return it without my signature.

Very respectfully,

R. M. STEWART.

## TO THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 1859

*From the Journal of the House of Representatives, pp. 39-40*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December 2, 1859.

*Gentlemen of the House of Representatives:*

With this communication is returned to you a bill entitled "An act to regulate the sale of ardent spirits in the town of Keetsville, county of Barry." The General Assembly having enacted a law that is alike applicable throughout the State, in which is given to the county authorities discretionary powers, or powers the exercise of which is made dependent upon either their own will, or the expression of the will of the people, the enforcement of that law should not be interfered with by laws local in their character. The local uthorities have a better opportunity of knowing the will of the people than the General Assembly can have, and are likely to regard that will.

Laws of this character, often the creature of caprice, are constantly liable to be changed to suit the dominant local prejudice, and greatly augment the labors of legislation and the bulk of our statutes, while no corresponding benefits accrue therefrom.

If the people of any town or locality are averse to the sale of intoxicating drinks, the county or local authorities should be impressed with that fact by the force of public sentiment, without which our liquor laws become virtually a nullity.

I also herewith return to you a bill entitled "An act for the election of Jailer in the county of Jackson." The office of Jailer is properly subordinate to that of Sheriff, whose deputy the Jailer almost universally is, and should be. Persons in the keeping of the Jailer are usually in the custody of the Sheriff, to whom the former should be responsible.

This is also an act of special legislation, and an innovation for which there appears no good reason. I regard

it an unwise precedent, which it is advisable not to establish. Upon a little reflection I think it will be seen that many evils might arise in this State from the comparatively irresponsible relation a Jailer, elected by the people, would sustain to the Sheriff of the county, and hope the General Assembly will concur with me in this opinion.

I also return a bill entitled "An act regulating the practice of issuing process in Justices' Courts in the city of Saint Louis." This bill restricts the delivery of processes of execution to the Constable of the ward in which said processes are issued; and would compel a Justice to entrust his business to the Constable of the ward, however unreliable he may have shown himself to be. If a constable is competent, attentive and reliable, using due diligence in the discharge of his duty, and making seasonable and satisfactory returns, he will be likely to secure his share of business. But if unreliable, neither the Justice nor the plaintiff or the prosecutor should be subjected to loss, delay or injury for the sake of an unworthy officer.

Under the operation of the provisions of this bill, it is liable often to occur, because of the other engagements of the Constable of the ward, that losses would result from delay thus rendered inevitable.

In all large cities, through undue efforts, men, unworthy of public trust, are enabled to secure an election, and from party or personal considerations can fill the required bond. A law of the character here proposed would, unnecessarily, compel the people of the ward to jeopardize their interests in his hands. I earnestly hope that the General Assembly will not thus needlessly add to the wrongs of those who have occasion to appeal to the law to secure protection or redress.

Very respectfully,  
R. M. STEWART.

## TO THE SENATE

DECEMBER 3, 1859

*From the Journal of the Senate, pp. 40-42*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO., December 3, 1859.*Gentlemen of the Senate:*

Herewith I return to you a bill entitled "an act to provide for the construction of the Platte County Railroad." Said bill, in effect, dissolves the present Platte County Railroad, and repeals its charter, and, instead, incorporates two distinct companies. There are two or three fatal objections to this bill. In the first place, the act is peremptory in its character, there being no condition therein making its acceptance optional with the stockholders, who, by a subscription of its stock, their regular organization as the Platte County Railroad Company, and a compliance with the other requests of the law, had thereby acquired rights of which, without a forfeiture on the part of the company, the General Assembly can not divest them. That the present Platte County Railroad Company had acquired all the rights contemplated in the charter, is unquestionable. The stock had been subscribed, the company organized, and the work commenced before the expiration of the five years allowed by the charter. If any doubts existed as to the legality of the original organization, they are removed in regard to the existing company by the act approved March the 3d, 1857, wherein the sum of seven hundred thousand dollars, in the bonds of the State, were authorized to be loaned to the said company, and in which the charter was so amended as to make the stock now subscribed, or which may hereafter be subscribed, applicable to the construction of the entire road from Kansas City to the Iowa line, and to be completed within ten years from the time the charter was originally granted. This provision, it will be seen, identifies the original charter and those then stockholders with the grant of State aid, the extension of time, and those who might

subscribe additional stock, thus removing all doubts of the vested rights of the company.

Another objection, equally fatal to the bill, is found in the act approved December 13, 1855, which declares that no charter of any corporation, granted by the Legislature of this State, shall be altered, suspended, or repealed by such Legislature, unless proof be made satisfactory to the Legislature that notice of such proposed alteration, suspension, or repeal has been given to the President and Secretary of such corporation for at least one month next before the session of the Legislature at which such alteration, suspension, or repeal will be proposed. It does not appear, nor is it claimed, that the notice required by this act was given, without which the General Assembly could not legally entertain a proposition to repeal the charter of the company to be effected by this bill.

I could not, therefore, without disregarding my oath of office, give to this bill my official sanction.

In answer to an objection sometimes made to the plan of operations by the company, as regards the point at which the work should have been commenced, it is only necessary to say, that in the act granting State aid it is made a condition that one-half of the amount is to be expended on that part of said road between the cities of Kansas and St. Joseph, and the other half between St. Joseph and the Iowa State line.

There is no condition imposed in regard to the place of beginning. With the history of that enterprise it is well known I am familiar, having been its originator, and through several years continued my efforts to preserve its charter, and finally to give it a tangible existence.

It was designed to be a Missouri river valley extension, as it will be, of the Pacific Railroad, (which is to terminate at Kansas City,) and to run nearly as practicable in a straight line from Kansas City to Council Bluffs.

While it was generally regarded as an impracticable project, I labored hard for years to secure for it what I deemed a just appreciation of its importance; and along its line in

vain sought to get enough of its stock taken to keep the charter alive. When all other efforts had failed, those men holding the larger part of the stock of the company were appealed to, and after repeated solicitations consented, as a means of perpetuating the charter, to take the stock now held by them. Subsequently they have been willing to transfer to the citizens along the line upon the condition that the requirements of the charter should be complied with. By this means the citizens could have controlled the location of this road, and if they so desired could have carried out the original plan to the letter. Stock governs in the location of railroads, and *no other power* can control it.

In having been made the Chief Executive officer of the State, my relations to the enterprise have been so changed as to render any interference in determining the particulars of the route, or with the private affairs of the company, improper.

It becomes my duty only to consider the evidence placed before me, and, if satisfactory, to cause the bonds of the State to be issued in conformity with the law authorizing their loan to the company. In the discharge of my official duty I have issued bonds to the company so far as the proper legal evidence has been submitted for my consideration. The company has in earnest entered upon the work of construction, and in good faith seems to be carrying out the main purpose of the charter.

Very respectfully,

R. M. STEWART.

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## TO THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 1859

*From the Journal of the House of Representatives, p. 76*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December 10, 1859.

*Gentlemen of the House of Representatives:*

I return without my signature a bill entitled "an act to vacate a portion of Third Street in the town of Manchester."

Having repeatedly assigned my objections to the vacation of streets and alleys by Legislative enactment, I need only to refer thereto in this case. If the property holders of a town or city desire to divest themselves of the right to use the ground once dedicated to the purpose of a public thoroughfare, it is their province to do so, and not that of the General Assembly, which body cannot rightfully disturb any vested right, and cannot, therefore, take from lot-holders the right to use as a thoroughfare any street or alley made such by a record of a town plat and the sale of lots described therein.

Very respectfully,

R. M. STEWART.

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### TO THE HOUSE OF REPRESENTATIVES

JANUARY 10, 1860

*From the Journal of the House of Representatives, p. 277*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January 10, 1860.

*Gentlemen of the House of Representatives:*

I herewith return without my signature a bill entitled "an act to incorporate the city of Forest." My objection to the bill is that it proposes to confer upon the municipal authorities the power to close streets, alleys, and avenues. A power to close must necessarily carry with it a power to abolish. A right to deprive the property holders and citizens of the use for a day of property dedicated to public purposes would involve the right to deprive them of its use forever. My views upon the subject of abolishing streets, &c., having been repeatedly expressed in previous communications which have accompanied bills returned without approval, I need now only refer thereto. With the single objection referred to, removed, I see no obstacle to its receiving my approval.

I also return to you a bill entitled "an act to prohibit the sale of intoxicating liquors in a part of Platte county." My objections to a bill perfectly similar in its provisions, "an act to regulate the sale of ardent spirits in the town of

Keetsville, county of Barry," are equally applicable to this. As stated in my message relating to that bill, the general law confers the power upon the local authorities to refuse to license the sale of liquors within the territory designated in the bill under consideration, and the county officers will doubtless consult the will of the people, and are more likely than the General Assembly to know their wishes. It is better, too, that the responsibility should attach to those who are to be affected by the action of the officials through whom their sentiments and purposes are expressed.

Very respectfully,

R. M. STEWART.

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TO THE HOUSE OF REPRESENTATIVES

MARCH 17, 1860

*From the Journal of the House of Representatives, pp. 123-129*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 17, 1860.

*Gentlemen of the House of Representatives:*

Among a large number of bills submitted to me for approval during the last hour of the adjourned session of this General Assembly, was one entitled "*An act concerning Slaves, Free Negroes, and Mulattoes.*" Doubting the constitutionality of some of its features, as well as the policy of a measure calculated, unnecessarily, to awaken the prejudices and arouse the sympathies of many of our citizens, and thus to operate injuriously upon the very interest it was ostensibly intended to protect, I could not, without a more careful examination of the bill than was possible under the circumstances then surrounding me, do justice to myself or the interest involved, by decisive action upon it. I, therefore, withheld my signature from it. Its subsequent examination confirmed the impressions mentioned, and, believing that no good could result from the agitation and public discussion, at this time, of the questions involved therein, I had forbore, notwithstanding the demand made by the political press, to make any public statement of my objec-



tions to said bill. I had hoped that the legislation of this session would be restricted to the objects for which the General Assembly had been convened, and that there would be no discussion or legislative action upon the already threadbare subject of slavery. The public mind has become weary of slavery agitation, and demands of legislators, attention to various other subjects that pertain to our material and intellectual advancement, which have been measurably ignored during the period that sectional strife has been made the paramount issue in national politics. Now that the ardor of sectionalism is abating, with indications in every part of the Union, of a rekindling of fraternal sentiments and the restoration of healthful, conservative influences, it is certainly impolitic on the part of Missouri, to so legislate as to revive the misdirected sympathies in behalf of the colored race, or strengthen the too popular error in regard to the moral *status* of slaveholding communities.

In view of the prospect in other portions of the Union, of an abatement of sectional prejudices, and of returning political sanity; and of the fact that the number, present and prospective, of persons likely to be affected by any law allowable by treaty stipulations and constitutional restrictions, is, and will be very limited; and of the further fact that the law already upon our statute book is sufficiently stringent, and has so far transcended public sentiment as to be almost wholly a dead letter, I am constrained to regard the re-enactment of the bill referred to as uncalled for, and calculated to breed political discord, while, even if its provisions were constitutional and practicable, its benefits, should it become a law, are not likely to compensate for the evils liable to result from its enactment and attempted enforcement. If not unconstitutional and impracticable, I should feel that I was doing the people who had honored me with their suffrages a service in withholding my approval from it. But there is an inherent and fatal constitutional objection to the bill that would make it wholly inoperative; which objection impels me, in the due observance of my official oath, to return it to you, *unapproved*.

Under both our Federal and State constitution, the right to a trial by jury is guaranteed. In the second section of article 3, constitution of the United States, it is declared that, "the trial of *all* crimes, except in cases of impeachment, shall be by jury." Article 5th, amendments to the constitution of the United States, says: "No *person* (making no distinction as regards color or political condition) shall be held to answer for a capital, or otherwise infamous crime, \* \* \* nor be deprived of life, liberty or property, without due process of law." And in article 6th it is further declared that, "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury." From these quotations it is very clear, that the Federal Constitution recognizes, as the right of *all persons*, in cases involving "life or liberty," and guarantees to them, *a trial by jury*. It must, therefore, be regarded as one of the fundamental rights that lie at the basis of all governments within the jurisdiction of said constitution.

The constitution of Missouri asserts the same right, and is still more explicit. The 8th section of article 13, (declaration of rights,) says, "that the right of trial by jury shall remain inviolate." Article 9th goes further and makes provision for "a speedy trial by an impartial jury;" without which the accused cannot "be deprived of life, liberty or property." In section 27th of article 3d, all doubts in regard to the intention of the framers of our constitution to make any distinction by reason of color, nationality, or political *status*, are removed by the unqualified declaration that, "in prosecutions for crimes, slaves shall not be deprived of an impartial trial by jury." If slaves are to be protected in that right, no one will deny it to the free negro or mulatto.

In view of these premises it will be plainly seen, that the provisions of the bill under consideration, in only allowing the free negro a "summary examination before some Judge, Justice of the Peace, or other judicial officer," when under arrest and his liberty is in jeopardy, unequivocally deprives him of that "*trial by jury*," the right to which the constitution of the State declares "*shall remain inviolate*;"

which right is also asserted, as before shown, by the Federal constitution.

If it is possible to doubt the correctness of the position here taken, that doubt will be dissipated by judicial decisions upon this very point, to which I call your attention.

In 1808 the Legislature of Kentucky passed an act, which provided, that persons of color emigrating to that State, might be compelled to depart. Under that act DORAM and RYAN, free men of color, were arrested in Knox county, (see Dana's Ky. Reports, vol. 1, p. 331.) They were required to enter into a recognizance, binding them to leave the State, which they failed to do. The penalty adjudged was, that they should be sold for the term of one year.

The proceedings against them were considered by the Court of Appeals, to be "in the nature of a *prosecution* (by information) for an *offense* against the commonwealth." Says the report:

"The tenth section of the tenth article of the constitution of Kentucky declares among other things, that the accused shall have "in prosecutions by indictment or information, a speedy public trial by an impartial JURY of the vicinage." There was no jury in this case; and this court is clearly of the opinion, that the act of 1808 should be interpreted as dispensing with a jury; and therefore it, so far, conflicts with the *supreme law* of the land. The act cannot be constitutionally enforced without the intervention of a jury. *A free man cannot be sold, even for an instant, unless a jury of his peers shall have passed condemnation upon him.*"

In 1838 an act was passed to remedy the constitutional defect of the act of 1808. The amendatory act provides that a jury shall be summoned in cases contemplated by the law. Subsequently GEORGE S. EDWARDS, a free man of color, was prosecuted for an alleged violation of the statute of 1808, which, as before stated, was "*an act to prevent the migration of free negroes and mulattoes to this (that) State.*"

A special verdict was rendered, certifying that EDWARDS had emigrated to the State prior to the enactment of 1838, and the Circuit Judge, being of the opinion that the act of 1838 could not be constitutionally applied to an offense previously committed, (the constitution forbidding the enactment of any *ex post facto* law,) and that the act of 1808 was not enforceable without the aid of that supplemental enactment, adjudged that EDWARDS was not guilty, and therefore discharged him.

The Court of Appeals, (see Dana's Reports, vol. 9, page 447,) held that the enactment of 1838 could not be made to retroact; that two elements were necessary to constitute the alleged offense, viz: *migration*, to, and remaining in, the State a given time, both of which acts must be committed after the complete enactment; that the act of *migration* had, by the operation of the statute of limitation, ceased to be an offense prior to the institution of the prosecution; wherefore, in the opinion of the court, EDWARDS had been properly acquitted and discharged. The judgment of the Circuit Court was therefore *affirmed*.

The bill under consideration, in being made applicable to all free negroes and mulattoes who have "emigrated to and settled in this State since 1847," notwithstanding the inhibition of that statute, is essentially *ex post facto*, although the extreme penalty is made to depend upon their *remaining in the State* beyond a stated future period; for that penalty has been enacted since the principal acts tending to the existence of the offense—migration to and settlement in the State—were committed; which offense is made to consist in *continuing to do* just what, by common consent of the communities in which they reside, *they have hitherto been permitted to do without molestation*, or an intimation that they were violating the laws of the State.

In view of the neglect, by those supposed to know the law, to reasonably enforce the inhibitory enactment, the real offense, committed years ago, might well be regarded as morally barred from the severe penalties of this bill. And when it is so clearly apparent that the unconstitution-

ality of the act renders it a nullity, no one will attempt to enforce it; nor would it be prudent to do so.

A case in point is that of *ELY VS. THOMPSON*, (A. K. Marshall's Ky. Reports, vol. 3, page 981,) an action of trespass, assault, battery, and imprisonment, brought by a free person of color, against a Justice of the Peace and Constable in their individual characters.

The Justice had adjudged that the plaintiff should receive thirty lashes on his bare back, according to an act of Assembly, in such cases provided, and the Constable had executed the warrant by the infliction of the stripes. The act in accordance with which the punishment referred to was inflicted, withheld from the accused a *trial by jury*, and was, therefore, held to be unconstitutional. It was also held by the court, that the constitution "is an instrument that every officer of government is bound to know and preserve, at his peril, whether his office be judicial or ministerial; *and he cannot justify an act against its provisions even with the authority of the Legislature to aid him, however much that may mitigate his case.*"

The proviso, that every free negro or mulatto arrested "shall be deemed to have emigrated to this State since the 17th day of May, 1847, unless such free negro or mulatto shall prove to the satisfaction of the (officer before whom he is arraigned,) that he emigrated to this State prior to such date," thus throwing the onus of proof upon the accused, is in disregard of all legal usage, and at variance with the legal maxim, as ancient as human government, that every person is to be deemed innocent until proven to be guilty. Great hardships and much injustice would be liable and likely to result from such a rule in regard to proof. However innocent of any violation of law, it might, in some instances, be very difficult, if not impossible, for the free negro to prove the date of his emigration to the State; and an arrest would involve an expense and loss, perhaps not inconsiderable; and to this he might be subjected merely for the gratification of spleen or revenge, while, if the burden of proof rested upon the prosecutor, or informant, he would

not be molested. It can be easily seen that if the burden of proof, in our courts of justice, devolved upon the accused, the evils resulting therefrom would be endless and intolerable. And it can hardly be regarded as magnanimous, or just, to impose burdens of *this character* upon those naturally laboring under disabilities, that would be considered unjust and cruel if made applicable to those politically our equals.

Section sixteen declares, that, "any free negro or mulatto who shall come into and continue in this State for the space of twenty-four hours, shall be deemed, for all the purposes of this act, to have emigrated to and settled in this State, and shall be dealt by as is provided for by the fourth section of this act." I cannot but regard this provision as needlessly harsh, and liable to do injustice. Persons of the class affected by this bill, might be thrown upon our shore by the wrecking of a steamboat, or detained within our borders by a railroad or other unavoidable accident, and thus, without any fault of theirs, and without remedy, be subject to perpetual bondage. Even though a state of servitude might, to many of them, be a blessing, we would not be justified in thus hastily enslaving those who had not intentionally violated our laws, or in any way wronged our citizens or commonwealth. The enactment or enforcement of a penalty so manifestly unjust, would inevitably react upon those responsible therefor.

Another feature of the bill, impracticable and anomalous in its character, deserves attention. I allude to the right given to free negroes or mulattoes to dispose of any property they may have possessed; to execute a title therefor, and to control and manage or dispose of the proceeds thereof, *after* they have been sold into slavery. The right of a slave to own, manage or dispose of property, contract and be contracted with without the consent of his master, is so inconsistent with the relation of master and slave, and the rights and duties of each, that the provision in this bill authorizing said negroes or mulattoes, after their sale into slavery, to make such a disposal of their property as they may desire, or to control it as they may think best, would

involve the administration of this law in inextricable confusion and difficulty.

If this act repeals the law declaring it to be a penal offense to deal with a slave without the consent of his master, still the law gives him no opportunity to dispose of his property, and no remedy for the enforcement of any right pertaining to it. Suppose the negro to be sold into slavery, and that at the time of the sale his property is worth ten thousand dollars. By the 5th section of this act the purchaser acquires the same right to, and control over the negro as though he had never been free, which includes the action and time of the negro bought by him. What opportunity would the negro have to dispose of or control and manage his ten thousand dollars' worth of property? And what benefit could he derive from such disposal when made? Or how could he, being a slave, enforce any contract made with him in relation to his property, except, perhaps, by the intervention of his master? And if his master, (even granting that he had the right to enforce a remedy upon the contract with his slave) should refuse to do so, how could he be compelled? How long would it be, in many instances, before, by collusion between the other contracting party and the master, or even between the slave's attorney and the master, or other parties, he would be divested of the last dime?

I think it will be seen that this provision in the bill is impracticable, and that while it attempts to protect the negro's right of property, the attempt must prove futile, or if his property is formally held by him, it will be of little or no practical benefit to him, his sale for life into slavery being likely to result in its virtual confiscation.

But if it were possible for the slave to control his property, and he should choose to invest his means in slaves, what would be the effect of this anomalous state of things upon the surrounding slave population? How long before there would be castes in field and kitchen, and a state of dissatisfaction, restlessness and insubordination more fatal, by far, than can result from the presence of the inconsiderable number of free negroes now in the State?

I might call your attention to other objectionable features in the bill, but I deem it unnecessary. The General Assembly, I feel assured, cannot desire to place upon the statute book, an enactment that must inevitably remain a dead letter. Nor will it be considered desirable to arouse, in opposition to the now dominant conservative sentiment of the people of the State, sympathies and prejudices that can only tend to the demoralization of political issues, and to divert the public mind from the consideration of questions legitimately pertaining to matters of political economy. Most certainly this will not be thought advisable when it is seen that nothing else can be effected by the enactment.

The fact that a spirit of fanaticism, on the part of those not immediately interested, has improperly, and without cause, forced upon the body politic the consideration of the various questions pertaining to the political rights of the negro, cannot justify the infliction of unusual and excessive penalties upon that class of persons. And while the well known fact that nearly all of the slave trade carried on by the American people during the period it was lawful, owed its existence and magnitude mainly to the enterprise of the immediate ancestors of the citizens of the north-eastern States, and that the capital and ships of the next-door neighbors of those who are most clamorous upon the subject, are *now* engaged, and the principals, in the illicit negro traffic of the present day, ought to be seen by them as "beams" in *their* organs of vision, no act on our part, in disregard of a fundamental constitutional right, or a course involving unreasonable hardships, will be justifiable or expedient. Yet, since most of the States, free and slave, are interposing legal obstacles to the immigration of free negroes, and some of them expelling those already within their borders, Missouri should vigilantly enforce her statutes forbidding their emigration to this State; and if any supplemental act is necessary to this end there can be no reasonable objection to its passage. Self-protection, under the circumstances, demands it. But an enactment retro-active as to what shall constitute an offense, or in the charac-



ter of its penalties, or a statute that inflicts a penalty upon the negro for the neglect of State officials to enforce a preexisting statute, would not accord with the sentiments of the people, would do violence to the sympathies of thousands of worthy citizens, and result in worse than a failure. To secure an effective response in the hearts of the people, justice must ever be administered in the spirit of mercy. This is our experience in all reformatory legal measures. Laws whose penalties do violence to the public sense of justice are seldom enforced; and attempts to enforce them are sure to cause a reaction in the public mind.

Whatever of wrong the institution of slavery may have to fear in Missouri from outside pressure, and the intermeddling of those who ought to be content to live as neighbors of the slaveholder upon terms of mutual good faith, the apprehended evil is liable to be augmented and precipitated by ultra manifestations or measures on the part of those who undertake to become the special guardians of this sensitive interest. A diversion of the public mind from this to other matters of public concern having reference to our material progress and intellectual advancement, will tend more to cure the ills of sectionalism, and allay the spirit of aggression, than a volume of penal laws; while our manifold interests will be correspondingly promoted and the world blest by our increased and united efforts in behalf of measures in which there can exist a common sympathy; which union of effort and community of interest will extend those sympathies into all the relations of life.

But I need not enlarge upon the views presented. I doubt not you will concur with me in the opinion that this bill is returned to you for reasons that must be satisfactory to your constituents, and to all who can, without prejudice, consider the objections here submitted.

I will, however, add one thought, although somewhat irrelevant. We are a mixed people, and our population is being constantly augmented by accessions from every portion of the Union. It is, therefore, both our duty and interest to so legislate as to soften the asperities liable to exist

among a community heterogeneous in its elements. It is well also to remember that money capital is equally as timid as the slave interest; that capital is now our greatest necessity; that we should, therefore, guard well investments of whatever character, that have been or may be made within our State; while, as before suggested, greater attention to this will tend more than anything else, to leave the slave interest undisturbed.

Very respectfully,  
R. M. STEWART.

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### TO THE SENATE

MARCH 26, 1860

*From the Journal of the Senate, p. 124*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, MO., March 26, 1860.

*Gentlemen of the Senate:*

I herewith return to you without my signature a bill entitled "an act to lease the Penitentiary." An eminent poet has said that

"Man's inhumanity to man  
Makes countless thousands mourn."

Because of the inhumanity which, in my estimation, characterizes this bill, I withhold my approval from it. As indicated in the several messages in which I have had occasion to allude to our Penitentiary, I regarded the system of leasing as calculated to cause the infliction of needless wrongs upon the convicts, and therefore illy adapted to the reformatory ends for which such institutions are intended. Their object is not revenge, and if it were,

"There is excess  
In all revenge that may be  
done with less."

Reform is the only legitimate purpose for which punishment is ever inflicted, so far as the offender is concerned; and all

excess of punishment has an opposite. The fact that convicts have offended the laws of the land is no reason why law makers should do violence to the noble impulses of the human heart in imposing penalties upon them. To place a large number of convicts under the management of those who are only interested in making their labor profitable, without the immediate care of disinterested officers, would inevitably result in neglect and cruelty. Such a system is wholly unworthy of this enlightened age, and is not demanded, as has been repeatedly stated, on account of economy, and entertaining these views, the objections in my mind are insuperable.

Very respectfully,  
R. M. STEWART

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TO THE SENATE

MARCH 27, 1860

*From the Journal of the Senate, p. 125*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, MO., March 27, 1860.

*Gentlemen of the Senate:*

I return to you a bill entitled "an act authorizing the County Court of New Madrid county to appropriate the school fund of said county for certain purposes."

The Common School Fund should be held sacred and inviolable for the purposes of common school education. This bill takes a large sum that should be devoted to the education of the poor as well as the rich, and appropriates it to a use whereby the wealthier only will be benefited.

I cannot, therefore, approve the bill.

Very respectfully,  
R. M. STEWART.

## TO THE SENATE

MARCH 28, 1860

*From the Journal of the Senate, pp. 126-128*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., March 28, 1860.*Gentlemen of the Senate:*

With this message is returned the bill entitled "an act to provide for the completion of the improvement of the capitol grounds." This bill is certainly a most remarkable enactment. Its ostensible effect is, the *completion* of the improvement of the capitol grounds, and with an appropriation of *five thousand dollars*, not only is this undertaken but it also proposes to "discharge the expense already incurred and remaining unpaid." To do the latter up to the present date, would nearly exhaust this appropriation, leaving a very small sum with which to carry on the improvement. Heretofore the accounts incident to the necessary expenses of the improvement have been duly audited. But sometime after the work upon the extension had been commenced, although begun under the concurrent sanction of the several officers upon whom it in any way depended, certain accounts failed to be audited, including the salary of the master workman, whose superintendence was indispensable, and the authority to employ whom as before, was to my mind clearly deducible from the law and the common sense view of the matter—the authority to do a thing carrying with it the authority to employ the necessary means. Hence a considerable debt. To consider this under the circumstances as an appropriation for the completion of this work is an absurdity, and cannot be otherwise regarded by those who have any adequate conception of the improvement. The expenditure of this sum would leave the grounds as they have heretofore been, in a condition to be washed into the river, thus needlessly causing a large additional expense. It will also leave them in a condition to be overrun by stock, and in this way to be greatly damaged. This bill forbids

any excavation around the capitol buildings—a sweeping prohibition, that might interfere with the work indispensable to the completion of the improvement. This is a needless, if not a mischievous restriction. The bill is inconsistent with itself. While in section one it appropriates *five thousand dollars*, and NO MORE, it declares in section three, that “there shall not be more than ten thousand dollars drawn from the Treasury under the provisions of this act, under any pretense whatever.” It is difficult to conceive of any object for inserting such a provision. The only effect it can have, is to make the impression upon persons who read it inattentively, that a sum respectable in amount has been appropriated to this very worthy object and thus to place obstacles in the way of further necessary appropriations. The first act authorizing the improvement and substantial enclosure of the capitol grounds and all subsequent acts relating thereto declare “who shall have full power and authority to determine what work shall be done, and the manner in which it shall be done, and what kind of improvement shall be made.” But this bill, without repealing former laws upon the subject, appoints a committee “to supervise and control” the expenditure of this appropriation. This provision must necessarily beget a conflict between the “powers that be,” and those attempted to be created. For those charged by this bill with the duties named would feel that responsibilities incident thereto were theirs; while those upon whom previous laws conferred *the* authority, would also feel that *they* were responsible, and claim the right to exercise the powers so given.

Another defect in the bill, is in its designation of those who shall constitute the supervising committee. Section two says that “the Commissioner of Public Buildings, the Attorney General, and Treasurer, shall constitute a committee to supervise and control the improvement.” So far as I am informed, no such Board of State officers as “Commissioners of Public Buildings” is now in existence in Missouri, and therefore this clause is meaningless, and the whole act defective, even admitting that such a *committee* could be

effectually created without repealing former acts, with which this comes in conflict.

I have one other objection to the bill. After the absurd restriction which provides that not more than *ten thousand dollars* of the *five thousand* appropriated shall be drawn from the Treasury, it is further provided that, in addition to the said five thousand dollars, "the sum of fifteen hundred dollars is hereby appropriated to be expended in erecting an armory, and that the labor of Penitentiary convicts *may* be employed for this purpose." Under a fair construction of this provision the convict labor employed upon the armory would have to be paid for out of the fifteen hundred dollars—in which case the appropriation is altogether inadequate for the purpose for which it is intended. This, therefore, is another enterprise that would be undertaken only to suffer embarrassment, delay, and waste, the fate of the capitol grounds, our railroads, and some other public interests for which State pride, as well as due regard for the public good, should have secured an earlier and more effective aid. Persons from abroad are very likely to judge the people of a State, if not the resources of a State, by the condition of the special interests and public property of a commonwealth.

It is well known that citizens of other States, in going to any State, very generally desire to visit the capitol. They expect to see improvements there, that are at least creditable, if not highly ornamental and beautiful. All can or ought to be able to appreciate this, and from a feeling of State pride, if no other consideration can influence us, we should cheerfully cooperate in the work of making our capitol buildings and grounds in the highest degree comely and attractive. This is due to a State so superior in all the elements of greatness. While money should be judiciously and economically expended, the amount necessary to thoroughly improve and ornament the capitol grounds should not be doled out with grudging spirit and a parsimonious hand.

The appropriation proposed to be made by this bill is, under the circumstances, a disgrace to the State, and a mere

waste of money; for it leaves the several interests it undertakes to serve in an unfinished condition, exposed to waste in every possible way, and a by-word in the mouths of all who duly estimate appearances of thrift and refinement. I think you will regard the objections named as sufficient, and that in view of them you will see the necessity of further legislation upon this subject.

Very respectfully,  
R. M. STEWART.

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### TO THE HOUSE OF REPRESENTATIVES

MARCH 29, 1860

*From the Journal of the House of Representatives, p. 154*

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CITY OF JEFFERSON, March 29, 1860.

I hereby authorize William M. Carter to be my special messenger to return to the House of Representatives the bill by him herewith respectfully submitted.

Very respectfully,  
R. M. STEWART,  
Governor of Missouri.

*Gentlemen of the House of Representatives:*

I am compelled by a sense of duty which I owe both to myself as a man, and as the Executive of the State, (feeling a greater responsibility than you possibly can,) having been unofficially informed that there is now present a quorum capacitated to do business, as required by section seventeen of the constitution of the State of Missouri, under the head of Legislative Power, in accordance with section ten of the constitution, under the head of Executive Power, I herewith return to you, without my signature, a bill entitled "an act making a final grant of State aid to certain main trunk roads now in process of construction;" and upon a careful examination of the said bill, finding that instead of securing the completion of any of

the said roads, in my opinion, it finally prevents their completion, as will be seen by an examination of section seventeen of the bill, which leaves the State without any control in the premises, and leaves the whole power in the railroad company without any power on the part of the State; also section nineteen of the bill, which releases the lien which the State has, for her own protection, under all former laws, preserved. There are minor objections which the General Assembly can rectify.

Yours respectfully,

R. M. STEWART.



## SPECIAL MESSAGES

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TO THE SENATE

OCTOBER 26, 1857

*From the Journal of the Senate, p. 40*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., October 26, 1857.

*To the Honorable, the Senate:*

I nominate Thomas L. Sturgeon as Director in the Bank of the State of Missouri, in place of William Wade, and request confirmation.

Respectfully,

R. M. STEWART.

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TO THE HOUSE OF REPRESENTATIVES

OCTOBER 27, 1857

*From the Journal of the House of Representatives, p. 56*

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EXECUTIVE DEPARTMENT, October 27, 1857.

*To the Honorable Speaker of the House of Representatives:*

An act for the relief of Charles O'Fallon and others, was presented to me on the 26th, for my approval, which has no enacting clause. I deem it proper to call the attention of the House to this fact, that the defect may be remedied before too late. My approval cannot make it a law.

Respectfully,

R. M. STEWART.

## TO THE SENATE AND HOUSE OF REPRESENTATIVES

OCTOBER 29, 1857

*From the Journal of the Senate, pp. 63-65**Gentlemen of the Senate, and of the House of Representatives:*

I had not thought it would become my duty, at so early a period of your session, to call your special attention to subjects concerning the general welfare. The extraordinary condition of the finances of our country, and that of our own banks, has induced me to call your attention to the subject. After a struggle, nobly sustained, by the Bank of the State of Missouri, she has been compelled to suspend specie payments; and others of our banks, organized under the act of this General Assembly, have been compelled to follow her example.

As an original proposition, it is a question whether banks of issue ought ever to have been established. The banking system, as it is, has become interwoven with all our commercial and business relations. We cannot dispense with banks of issue, unless we could control the legislation of all our sister States.

In the present condition of things, I respectfully commend to the General Assembly such action as may be necessary to secure the credit and character of the State. Some system of credit, it seems to me, is necessary for the prosperity of every department of business. In fact, credit and civilization are co-eval. There never has been a civilized country without a credit system, and probably there never will be. Changes may take place, corresponding to our experience; but some system of credit must always exist. Even in the days of Lycurgus, when iron was the circulating medium, this system was a necessity. How much more is it in this age of the world, when all our commercial and business relations are so greatly multiplied?

It is obvious that, without credit in some form, no

public enterprise of importance can be successfully carried on. Such enterprises are beyond the means of individual capital, and are necessarily dependent upon credit. To it we owe all our railroad enterprises, and every work of public utility, which individual capital cannot accomplish. It is, indeed, scarcely too much to say, that our national prosperity and progress are due to the credit system; for there is no work of general public benefit which could have been consummated without it. We are indebted to it for our own public works. After years of labor and legislation spent unavailingly, we were compelled to resort to the credit system, to give an impetus to public improvement.

There is nothing which should give just cause of alarm in the present condition of the country. We have now a larger amount of specie than ever before. The balance of trade has not been against us. Except the temporary condition of the banks, we have nothing to alarm us. The farming class of our people were never in a safer condition. Our crops have been abundant, and the agricultural community are, fortunately, comparatively free from debt and embarrassment.

Our banks have kept within the limits of what has hitherto been considered legitimate rules. It is only because they formed but one of a general system, co-extensive with the Union, that *they* have suspended.

The embarrassment now existing is attributable, chiefly, if not solely, to imprudent speculations, and the injury, it is to be presumed, will fall most heavily upon those who have been engaged in them.

For the construction of great public works, corporations are indispensable. They are only evils when designed for the promotion of private objects and interests. The latter class of corporations cannot be too jealously guarded. Without acts of incorporation, we never could have commenced our system of internal improvements; and, incomplete as they are, they have contributed, more than all other causes combined, to the increase of our population and wealth.

The combined efforts of individuals, cities and counties,

were found inadequate, even to its commencement; and this necessitated the policy of granting State aid, in the form of bonds. In my opinion, this was a wise policy; inasmuch as without it we could have had no prospect of public improvement. We have, it is true, recently seen some of our bonds sacrificed in the market; but we may rest assured that the same interest which has temporarily depreciated them, will soon find it necessary to elevate them. Capitalists understand their value, and for that reason some of them have made an effort to depreciate them, with the purpose of buying them up. It is evident that they were not depressed by any natural causes, for our great resources are well known, as well as our ability to meet the interest in any possible contingency.

We should not judge of a system in a panic. Our banks have suspended; but they have not issued more paper than is ordinarily thought to be safe. They have yielded to a necessity which has not been brought about by any imprudence or mismanagement of theirs. If they were ever necessary for the facilitation of our commerce, they are so now; and this fact will be recognized as soon as the crisis is past. To destroy them, if it can be avoided—to say nothing of the individual injustice to result—cannot be a wise measure of public policy. In justice to the bill-holders, I suggest that, within the pale of the Constitution, such measures should be adopted as will ultimately secure them.

All will admit that our first duty is to protect our State credit. Whatever measures the General Assembly may think proper to adopt, having this end in view, there can be no doubt the people will cheerfully approve. They are jealous of our honor, and never can be brought to sanction anything which will not sustain it.

Among the measures for the protection of our honor, is certainly the fulfillment of our obligations to those who have invested capital in our institutions and enterprises, as well as the duty of providing for the payment of the interest on our bonds. We have seen that all our great public improvements—roads, canals, &c.—have been constructed by means

of the credit system. It is not too much to say that, without these works, the Constitution and the Union could not have been preserved. They have brought together distant sections; have made neighbors and friends of those who might have been enemies, and bound our Union together by the ties of intimacy and family alliances, as well as by those of commerce and enterprise; and have made us a confederacy of States indissolubly united by the ties of blood.

A system of public policy which has so long and so successfully promoted all the objects for which governments are instituted, it seems to me, should not, for trivial causes, be disturbed. A policy, to be healthful and ultimately successful, must be gradual in its development, and conform to the progress of society. Sudden changes are dangerous. Wise legislation is founded, as well upon the experience of the past, as upon the prospects of the future.

I feel entire confidence in the wisdom and patriotism of the General Assembly, and have no doubts, that whatever diversity of opinion may exist in other respects, all will feel in a crisis like this, an anxious desire to promote the public good. It will give me great pleasure to unite with you in whatever may, upon deliberate consideration, be thought best, as far as I can do so consistently with my sense of responsibility and duty.

The report of the Bank Commissioner, and the Assistant Bank Commissioner, made in pursuance of law, is herewith transmitted.

R. M. STEWART.

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### TO THE SENATE

NOVEMBER 3, 1857

*From the Journal of the Senate, p. 90*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 3, 1857.

*To the Senate:*

Gentlemen—I have the honor to transmit herewith, the annual report of the Board of Public Works and accompany documents.

Very respectfully,

R. M. STEWART.

*TO THE SENATE*

NOVEMBER 19, 1857

*From the Journal of the Senate, p. 202*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, November 19, 1857.

*To the Honorable Senate of the State of Missouri:*

Gentlemen—I hereby nominate Ferdinand Overstalz, for director of the Bank of the State of Missouri, *vice* William Palm, resigned, and respectfully request your confirmation of the same.

Respectfully,

R. M. STEWART.

*TO THE SENATE*

NOVEMBER 23, 1857

*From the Journal of the Senate, p. 252*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., November 23, 1857.

*To the Honorable President of the Senate of the State of Missouri:*

I respectfully call your attention to an act entitled, “an act to regulate the organization of the staff department and volunteers of the Missouri militia,” which has been presented to me for my approval, and which upon examination I find has no enacting clause, and is therefore inoperative. I return it in order, if it is desirable, that the proper correction may be made.

Respectfully,

R. M. STEWART.

*TO THE HOUSE OF REPRESENTATIVES*

JANUARY 5, 1859

*From the Journal of the House of Representatives, p. 64*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., January 5, 1859.

*To the Speaker of the House of Representatives:*

Sir—I herewith transmit the report of the Trustees of the Institution for the Education of the Blind.

Very respectfully,

R. M. STEWART.

## TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1859

*From the Journal of the Senate, pp. 59-60*

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*Gentlemen of the Senate, and of the House of Representatives:*

Some time in May last, the Executive Department received information that an armed and lawless force, numbering several hundred men, was quartered in Kansas Territory, near the Missouri line, and threatening to invade the State; and had made incursions into the counties of Cass and Bates, committing acts of personal violence, and plundering and robbing our citizens. The people of those counties became greatly alarmed, and many of them along the line abandoned their homes. Even some of the towns had been visited by the bandits, and, it was stated, had been threatened with destruction.

Under these circumstances, an appeal was made to the Executive for the means of protection. Adjutant-General Parsons was accordingly despatched to the border, under instructions to there learn the actual state of facts, the causes of the difficulties, and the probability of their recurrence; also, to ascertain what steps were necessary to provide our citizens with adequate protection, and, if it became necessary, to at once enroll a sufficient volunteer force to accomplish that purpose. He was also instructed, if he deemed it necessary, to organize military companies in the counties most convenient to the scene of difficulties, taking care to direct that none of the force thus called into service be allowed to cross the line into Kansas, or to do any other act of an aggressive character.

General Parsons having satisfied himself that numerous overt acts had already been committed, and that there was cause to apprehend further incursions into the State, organ-

ized several companies in the counties mentioned; and they were furnished with arms by Quartermaster-Gen. Hackney, who accompanied Adjutant-Gen. Parsons for that purpose.

These measures served, for a time, to prevent the threatened invasions, but the people along the line who had been driven from their homes, were, by the presence of the same armed force in the vicinity, deterred from returning, and it was urged that they could not cultivate their farms and protect themselves, and, therefore, were entitled to aid from other sources.

In consequence of these representations, I, on August 7th, wrote to Gov. Denver, then the Executive of Kansas, informing him that it might become necessary to station an armed force along the border, in Missouri, for purposes of protection; at the same time soliciting his earnest co-operation with the authorities of this State, in their efforts to preserve the peace; and, regarding it the duty of the Federal Government to suppress bands of outlaws organized within the limits of territories under its immediate control, I, on the 9th of the same month, addressed the President of the United States, (document marked "A") soliciting the aid of the General Government in the protection of our citizens, and in the preservation of the peace, so necessary to the prosperity of our people.

An answer from the War Department (document marked "B") informed me that no available troops were known to said Department which could then be so employed. Doubts were also insinuated of the expediency of employing United States troops against "bands of civil marauders."

Gov. Denver, in response to my letter, expressed regrets that the course I had indicated should be thought necessary, and the hope that the necessity might be obviated; assuring me that he would do all in his power to suppress the evil complained of.

For a time the difficulties seemed to subside, and consequently no further efforts were made on the part of the authorities of this State. Recently, however, a smaller party, led it is stated, by the same chief, has made an in-



cursion into the State, committing murder and robbery, and, as stated, in affidavits herewith submitted, (documents marked "C" and "D",) and a petition signed by sundry citizens of Vernon county, (document marked "E",) driving off ten negroes belonging to citizens of the county mentioned. And within a day or two, additional advices have been received, in which it is stated (see document marked "F") that a regularly organized band of thieves, robbers and midnight assassins, have congregated in Kansas, immediately upon the western border of Bates county, who are making incursions into the State, taking the lives of our citizens, committing to the flames their houses, and robbing them of their property.

Again the Executive of the State is appealed to for military aid, to protect the border from a repetition of the evils complained of, and which they seem to have cause to apprehend. But the Governor, as Commander-in-Chief, has power to call the militia into active service, only in cases of "rebellion, invasion, or insurrection." If the bandits referred to, are to be regarded merely as "civil marauders" only, the Sheriff of the respective counties have authority, under our present military code, to call upon the militia to aid the legally constituted civil authorities in preserving order and enforcing the laws.

Unwilling to do any act that shall involve the State, or the country at large, in undue sectional or party strife, and yet anxious that the border counties should enjoy the protection of life and property to which, in common with other portions of the State, they are entitled, I submit these facts for your consideration, and bespeak for them your immediate attention; hoping that whatever it is possible for the General Assembly to do constitutionally, will be done at once.

R. M. STEWART.

*TO THE SENATE*

JANUARY 11, 1859

*From the Journal of the Senate, p. 78*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January 11, 1859.

*To the President of the Senate:*

Sir—I herewith transmit the Report of the Board of  
Public Works.

Very respectfully,

R. M. STEWART.

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*TO THE SENATE*

JANUARY 14, 1859

*From the Journal of the Senate, p. 91*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January 14, 1859.

*Gentlemen of the Senate and of the House of Representatives:*

Duty compels me again to call your attention to the condition of affairs upon our western border, and to urge upon you the necessity for prompt action. Although by the Constitution the Governor is made the commander-in-chief of the militia of the State, and a conservator of the peace within the State, yet, by the statutes, his power to call the militia into service is limited to cases of rebellion, invasion or insurrection. Under the recent statute the authority to call out the military force to preserve order, or to enforce the laws, is invested alone in the sheriffs of the respective counties; and common sense will suggest that they cannot exercise this power, except in cases of immediate necessity. They have no authority to call upon the militia, or other citizens, to act merely in anticipation of a necessity which might, or might not, exist.

The present difficulties upon our border constitute neither rebellion nor insurrection; for either would imply that the deeds of violence committed there were done by our

own citizens; whereas the outlaws referred to reside without the State. Neither can the marauding incursions under which our people are suffering, be regarded as an invasion, for a state of war does not exist between the authorities in Kansas and of Missouri. The law abiding citizens of Kansas cherish the most friendly relations with the citizens of this State, and deplore, as much as we do the present condition of things, and are making efforts to preserve order. The dangers to which our people are exposed cannot, therefore, be dignified into the importance of an invasion. The marauders are merely freebooters and murderers; yet their number is sufficiently large, amounting to several hundred men and rapidly increasing, to render the civil power wholly inadequate, either to arrest or suppress them. And however flagrant their outrages the authorities of this State have no power to cross the line to overtake and punish them.

I have information which shows the necessity and good policy of immediate action. The security of our citizens, and the ends of justice, demands that there shall be *no delay*. Prompt measures will probably not only save the lives and property of many of our citizens, but speedily and forever put an end to these troubles. I hope, therefore, that another day will not be allowed to pass without decisive and effective legislation.

Very respectfully,  
R. M. STEWART.

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## TO THE HOUSE OF REPRESENTATIVES

JANUARY 15, 1859

*From the Journal of the House of Representatives, p. 109*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, JANUARY 15, 1859.

*Gentlemen of the House of Representatives:*

In response to your resolution, asking me to furnish your body with all the information in my possession in regard to the difficulties on the southwest border of the State,

not heretofore communicated, I would respectfully remind the House, that in the documents which accompanied my message, addressed to the General Assembly, on the 6th inst., some of the many flagrant outrages which have been committed upon our citizens, together with the imminent perils of the people on the border, are very clearly set forth, over the signatures of many citizens, of whose reliability the House is probably informed, by the honorable gentlemen who represent them. The statements made render it apparent that the people in the counties therein mentioned need the immediate protection of the government.

For prudential reasons, I think it unwise to give publicity to any additional information, and trust that the Assembly will appreciate the motives which induce me to recommend instant action.

Very respectfully,  
R. M. STEWART.

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## TO THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1859

*From the Journal of the House of Representatives, p. 133*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January 21, 1859.

*Mr. Speaker, and Gentlemen of the House of Representatives:*

I observe that after a failure of the House to concur in the measure substituted by the Senate in reference to the border difficulties, a motion has been made to reconsider. The facts—the imminent dangers to which the people on the border are exposed, and their inability, owing to the sparseness of the settlements, to adequately protect themselves in a manner consistent with order, unless the arm of the Government is thrown around them—are before you. It remains only for me to urge upon you to act decisively without further delay, and regardless of all irrelevant considerations. It is important that whatever is done, shall be determined upon before the upward bound train leaves to-

day. I desire that any steps taken shall, from their incipency, accord with the action of the General Assembly, growing out of its recent deliberations. The people have a right to know whether they are to be protected by the Government, or as well as they can, and with such means as they can command, they are to protect themselves. In the latter case, we may well apprehend an aggravation of existing evils, which every consideration of patriotism should lead us in all possible ways to guard against.

Very respectfully,

R. M. STEWART.

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### TO THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1859

*From the Journal of the House of Representatives, pp. 151-153*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, MO., January 26, 1859.

*Mr. Speaker, and Gentlemen of the House of Representatives:*

I have before me the resolution adopted by the House on yesterday, as follows:

*"Be it Resolved, That his Excellency, the Governor of the State, be herewith respectfully requested to communicate to this House, all such information tending to throw light on the Kansas border difficulties, as now in his possession."*

In response to this resolution, I would again remind the House, that in previous messages, I called the attention of the Assembly to the fact that our border counties were suffering from the incursions of armed banditti, from the neighboring Territory of Kansas; that our people were being robbed and murdered; that they were unable to properly protect their property and families, and that the Executive Department of the Government had not the power necessary to their adequate protection. These facts, substantiated as they were by testimony that ought not to have been doubted, it seemed to me, demanded the earnest attention of the Assembly, and the adoption of prompt measures of

relief. I may add that the members of the Assembly, in common with the country at large, must have been aware that the difficulties upon our border called loudly for the interposition of the government.

For reasons of a prudential character, I felt it my duty to withhold a certain kind of information which it was my province to receive, and for the same reasons, I am still constrained to remain silent in regard to information of that character. In my opinion, the extreme peril of the border has not abated, nor the necessity for action passed away; but if the facts already in the possession of the Assembly, and known generally throughout the country, will not induce action, no amount of information, it seems to me, would suffice.

The telegraphic dispatch, purporting, as you are aware, to have been forwarded from Leavenworth, stating that Montgomery, one of the chiefs of the marauding band infesting our border, had surrendered, and that Brown, another principal leader, had fled from the Territory, I have reason to believe, is unreliable; and whether true or false, furnishes no excuse for neglecting to provide ample means for the security of our citizens. In view of the many efforts which have been made by the enemies of the Constitution, and of law and order, to mislead the public mind, and to place the people of this State in a false light before the country, we may well distrust intelligence of that character; and even though true, little importance should be attached to it, when, as all know, they (Montgomery and Brown) are but two of several hundred who are being used to subserve an unholy political end, and who are doubtless acting under the advice of some of the most sagacious minds of the age, and therefore need to be repulsed with all the prudence possible, in order that we may avoid giving any occasion for that general convulsion of the public mind throughout the Union, that the prime movers are unquestionably seeking to accomplish.

Missouri is sought, by an insidious political enemy, to be made the first field of operations in which to achieve an

unholy purpose, and that enemy has his spies in our very midst, watching every movement, and scrutinizing closely the tide of public sentiment. Every imprudent act will be exaggerated, and every indication of indifference to the welfare of our people in the border counties, will be treated as evidence of sympathy with those who are instigating these pillaging incursions. I trust that so unscrupulous an enemy of constitutional rights has no sympathies in the General Assembly, or if they have, that a majority will not be deterred from a discharge of duty by their fallacious objections to action.

Governments are instituted for the protection of individual rights, and it is the province of the Representatives of a people, in their legislative capacity, to make all necessary provision for the enforcement of laws enacted for the preservation or order and the security of personal rights. A failure to faithfully discharge this duty, necessarily compels a community to resort to their primitive inherent right of self-preservation; and this may reasonably be anticipated as the result of a neglect, on the part of the State Government, to afford the citizens in the infested district that protection they have so justly sought, and for which they have so patiently waited. There is a point beyond which forbearance ceases to be a virtue, and to this extremity the inaction of the General Assembly has almost driven the people of the border counties. If at last they are obliged to fall back upon their own resources, without the sanction of law, they will undoubtedly command the sympathies, and, if need be, the aid of thousands, of those whose first impulses are for law and order, but whose sympathies for suffering humanity will not allow them to become indifferent spectators of the inhuman butchery and robbery of their neighbors.

But shall the authorities of Missouri, whose citizens have been supposed to possess so much chivalrous bravery, longer tolerate such wanton invasions of their rights? Will the General Assembly, possessing the power, acting in concert with the authorities in Kansas, to crush this evil, still

refuse to act, and thus allow our people to be robbed and butchered, or driven from the State? Shall our Government be allowed to become an object of contempt among contemporaries, and a by-word in the future? Will legislators sit quietly in their seats while our citizens are driven from their homes, their property taken, and their wives and children thrown upon the cold charities of the world, (if, indeed, this be the worst of their sufferings,) and refuse to make any provision putting an end to these evils?

While the sufferers are forbearing to retaliate, preferring to obtain redress in a legal and orderly manner, shall the "powers that be" refuse to extend adequate protection, because it will cost the State a few dollars? Are life and an immunity from wrongs of every grade to be estimated in dollars and cents? Will the Assembly longer refuse to act and thus compel the people, without law, to protect themselves, thereby engendering animosities that will not subside in many years, and perhaps enkindle a flame that will involve the country in a civil war? Something *must* be done, *Something* will unquestionably be done. The Assembly needs no additional information to enable it to understand what is its duty to itself, the people whom they are supposed to represent, the State, and the whole country. It is not my province to dictate the particular mode of action. Efficiency is what the emergency demands. The manner of securing efficiency is properly submitted to the wisdom of the Assembly. As the Executive of the State, I have discharged my duty in the exercise of the power given to me by the statutes, and then calling your attention to the inadequacy of that power to meet the exigency, that remained unprovided for. I yet hope that the appeal of your fellow citizens upon the border will not be in vain.

Very respectfully,

R. M. STEWART.



*TO THE HOUSE OF REPRESENTATIVES*

FEBRUARY 5, 1859

*From the Journal of the House of Representatives, p. 213*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., February 5, 1859.

*To the Speaker of the House of Representatives:*

Sir—I herewith submit the reports of the Bank Commissioners, for February and August, 1858, and February, 1859.

Very respectfully,  
R. M. STEWART.

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*TO THE SENATE*

FEBRUARY 5, 1859

*From the Journal of the Senate, p. 192*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, Mo., February 5, 1859.

*To the President of the Senate:*

Sir—I herewith submit the Semi-Annual Reports of the Bank Commissioner for February and August 1858, and February, 1859. As there is only one copy, I respectfully request the Senate to report the same to the House of Representatives.

Very respectfully,  
R. M. STEWART.

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*TO THE SENATE AND THE HOUSE OF REPRESENTATIVES*

FEBRUARY 9, 1859

*From the Journal of the Senate, pp. 215-217*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 9, 1859.

*Gentlemen of the Senate, and of the House of Representatives:*

I observe that a bill is before the General Assembly, having for its object some additional protection of the inter-

ests of the State, in regard to the character of the work in the construction of the Hannibal and St. Joseph Railroad. From the provisions of that bill, I infer that its advocates have overlooked certain facts connected with the history of that Road, and the relation of the General Assembly thereto.

Having originated that enterprise, introduced and procured the passage of its charter, made the preliminary survey at my own expense and that of the few public spirited citizens along the line, who then believed the project at all practicable, labored earnestly at Washington City in obtaining the grant of lands donated by Congress to aid in its construction, personally obtained the signature of the President to the act, indicated the features of the contract under which the work was commenced, and served as President of the company from its incipency until my election to the Gubernatorial office, I may be supposed to be more familiar with the relations of the State to that road, than any other person can be.

In accepting the grant of land made in behalf of the Hannibal and St. Joseph and the Pacific Railroads, the State became merely the trustee to see that the donations were applied, in good faith, to the objects specified, and to no others. The General Assembly, by its action, merely made the necessary provisions to carry into execution the intentions of the donor; and this it did in accordance with, and subject to, the conditions of the act of Congress by which the lands were granted. The General Assembly did not, and could not, impose any additional restrictions. It could do no more than to identify the donations with the chartered companies that were to be the beneficiaries, subject to the provisions of the grant.

In doing this, the grant of land from Hannibal to St. Joseph was made, conditionally, the property of a company whose charter gave the right to make any description of road—a road on which any kind of motive power might be employed. To prevent any advantage being taken, at any time, of the defect of the charter, and thus to secure the

faithful application of the proceeds of the lands to the objects of the grant, I suggested a contract, the provisions of which required the construction of a first class railroad, and the work was commenced under that contract. In the history of that road, any disregard of the provisions of that instrument, has been in opposition to my views. It is known to many that while a number of the leading presses of the State, together with very many of the citizens along the line of the road, and also a majority of the directors of the company, favored the transfer of the stock, sufficient to give a controlling interest in the company to the contractors, I persisted in opposing that measure, and that because of my opposition the board passed a vote of censure upon me. It is certainly not just in those who then advocated that policy, to now hold that act of transfer up to censure, as some are disposed to do. And when it is remembered that my name and reputation have, from the first, been identified with that enterprise, it ought to be evident that any other than a first class road must fail to meet my approbation.

Allegations against the charter of that road having been made during the canvass preceding my election, and conclusions drawn, intended to weaken confidence in my fidelity to the interests of the State, I thought it prudent, before certifying to the completion of any portion of that road, in order to vindicate the rectitude of my purposes, to have an examination made by the Board of Public Works. This the law did not require me to do, for the act of Congress vests the authority to certify, exclusively, in the Governor of the State; and no act of the General Assembly can divest him of, or, to any extent, qualify that authority. An act intended for that purpose would be wholly inoperative and void. Nor was the Board of Public Works created with reference to the donation of lands in aid of the construction of our railroads, but because of the aid granted by the State in the loan of its credit.

An officer of State upon whom rests so great a responsibility, ought not to object to any assistance which those qualified could give him in ascertaining the character of a

work upon which the interests of the State and the public so largely depend; and to this end it might be well to authorize the employment of an engineer competent to determine, with scientific accuracy, the strength, stability and general character of any of our roads, in regard to which the Governor might need information; in which case one should be employed who is likely to be free from any prejudices engendered by local or political causes. But the legislative power of this State is incompetent to make the opinions of such engineer, or any other officer, a legal restraint upon the action of the Governor in certifying to the Federal Government the completion of said road. If he regards his oath of office, and desires to discharge faithfully his duties, he will avail himself of such aid, whenever, in his opinion, it is necessary.

The legislative authority of the State may rightfully impose any duties upon the Board of Public Works, calculated to protect the interests of the State, growing out of the aid given by the State to our railroad companies, and may, in connection with their duties, impose any restraint upon the Executive, not inconsistent with rights already vested in said companies. But, as already stated, it cannot, in any manner, qualify the authority of the Governor in regard to the duties imposed upon him by the act of Congress. The General Assembly discharged its whole duty and exhausted its power, in the legal transference of its trust to the companies which are made the beneficiaries of the grant. So far as his duties are concerned, the Governor does not derive his authority from, and cannot be restricted by, the legislative power of this State.

As I before remarked, however, when application was made for a certificate of the completion of the Hannibal and St. Joseph Railroad, upon over sixty miles of which the cars were already running, and no certificate granted, or before applied for, though the act of Congress provides that when twenty miles of said road have been completed, the company will, upon the certificate of that fact by the Governor, be entitled to the land on *another* twenty miles of the road,

thus implying the right of the company to the lands on the first section of twenty miles, *before* building the road that distance, I thought it prudent to have an examination made by the Board of Public Works. The proscriptive spirit exhibited towards that road, on the pretext that a majority of its stock was owned in one of the Eastern States, and the wanton charges made against the stockholders, and nearly all connected with that enterprise, by that intolerant element of our body politic that is ever ready, when supposed interests require it, to carry on its work of proscription against any and every class—the foreign-born citizen, or even those born, reared and educated in sister States, each of which classes, equally with those born in this State, is entitled to like privileges and immunities, and to our confidence and brotherly kindness, and against whom it is contrary to the genius of our institutions to discriminate—made my course in requesting the Board of Public Works to examine the road, a necessity, as I conceived, in order to my own self-protection.

And having been the warm supporter of our railroad system, from its incipency, and, indeed, foremost in the effective advocacy of the measures connected with our system of internal improvements, against the views of many, some of whom have ever manifested a disposition to beget distrust of, and to throw odium upon, those whose policy has been so successfully adopted, I was, for this reason, also, induced to protect myself from any insidious efforts emanating from such a source, intended to undermine and cripple the liberal policy which is so effectually arousing the dormant energies of our State, adding to our population and wealth at a rate hitherto unprecedented.

I trust that the present General Assembly will not, in any way, give countenance and encouragement to the intolerant and proscriptive spirit which would not only discriminate against the foreign-born portion of our population, who are of our race, and only a few generations back, our near kin—our equals in all the elements of manhood—but even against the citizens of our neighboring States—a part

of our own government, and between whom and ourselves the ties of consanguinity are intimate. I also hope that the friends of our railroad system will not allow a stab to be made at the system, by those who, under the garb of a warm advocacy of our railroad system, and even making loud pretensions to liberality and a liberal policy, are doing everything which the engendering of sectional and local prejudices, the corruption of the channels of human sympathy, the alienation of neighbors, and the destruction of all confidence in the guaranty of rights constitutional and sacred, can do to drive from us the emigration which would otherwise seek a home in our midst in greatly augmented numbers, thus checking the development of our resources and retarding our prosperity. I hope that these relics of despotism will find no countenance in the General Assembly, even though disguised under the assumed and plausible character of a careful conservation of the public interests.

In further considering any measure having for its object the protection of the interest our State has in our railroads, it will be well to discriminate between the legal power of the Assembly, and the incidental interests of the State growing out of Congressional action.

In conclusion, I beg leave to call your attention to what was said in my general message at the commencement of the session, in relation to the present condition of the Hannibal and St. Joseph Railroad, ending with the remark, that its structures and grade, I have reason to believe, will be made entirely satisfactory during the coming season.

Very respectfully,

R. M. STEWART.

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TO THE SENATE

FEBRUARY 9, 1859

*From the Journal of the Senate, p. 218*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., February 9, 1859.

*Mr. President, and Gentlemen of the Senate:*

It is proper for me to state, that although my message

of this date was properly addressed to both Houses, it was designed for the more immediate consideration of the House of Representatives, believing that the facts embodied in it, if seasonably before that body, would save time in the consideration of the bill to which it relates; and it was therefore my purpose to have had it first presented to that House.

Very respectfully,  
R. M. STEWART.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1859

*From the Journal of the Senate, pp. 280-283*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO., February 9, 1859.

*Gentlemen of the Senate, and of the House of Representatives:*

Nearly two months of the present session of the General Assembly having elapsed without any definite action in regard to our railroads, or any well-defined policy having been marked out, in relation thereto; and as already the question of adjournment is being discussed, with strong manifestations of a disposition to adjourn at an early day, I feel constrained to urge upon the attention of the Assembly, the importance of maturing some plan, before adjournment, for the completion of the several railroads, now in the course of construction, to which State aid has been granted. No well-informed man can doubt that the best interests of the State demand the early completion of said roads; or that a suspension, for a time even, of the work of construction, could be otherwise than disastrous to the companies, and highly prejudicial to the welfare and prosperity of the State.

It is urged, I know, and truthfully, that the amount of State bonds which can be issued under the recently adopted limitation of the State debt, will not be sufficient to complete the several roads; and as they will all, when

built to the points contemplated, become leading thoroughfares of business and travel, it is supposed that the friends of each will insist upon sharing, according to their necessities and merits, in whatever aid is granted.

Under these circumstances, the Assembly is called upon, I am aware, to exercise its highest wisdom in devising a plan, effectual in its results, and at the same time satisfactory to the respective local interests and to the people at large.

It is unfortunate that the limitation of the State debt had not been placed at a figure sufficiently high to have enabled the State, under the system adopted, to finish the several enterprises in which it is already so deeply interested, inasmuch as it would have added only a very few millions to our debt—not enough to have been felt by the State, even though it should ultimately have the debt to pay, nor in the least to impair the credit of the State. A limitation to thirty-five, or even forty millions, (beyond which, even, it would have been safe for the State to go,) would have been as satisfactory to capitalists as thirty millions, under the assurance that the limit had been fixed in good faith. Nevertheless, when the proposition was submitted to the Senate two years ago, I surrendered my own judgment, at the solicitation of others, the representatives of all the railroad interests favoring the measure; and although my vote was very reluctantly given, I voted for it, and the proposition was carried by a bare majority. The limit having been thus fixed, subject to ratification by the Present General Assembly, and several millions of our bonds sold in the meantime, a failure to ratify the amendment would have been an act of bad faith to our creditors; and any change of the limitation, subject, as it must have been, to a final adoption by the next General Assembly, would have evinced a degree of vacillation that must have destroyed all confidence in the public mind, in the ratification of the limit thus extended. These considerations induced me to say, in my general message, that the proposed amendment should be adopted. And I still think, in view of the consequences to our State Credit, that no alternative was left to us.



But the adoption of this limit, I trust, is not to serve as an excuse for folding our arms, and thus to leave our roads in an unfinished condition. Surely the financial skill and resources of the State are not exhausted in the adoption of this prudential measure; and the General Assembly, I hope, will not allow a policy to be adopted, so suicidal in its results as that which must now arrest all progress in the construction of our roads, and thus, with certainty, cause the entire indebtedness to the State of several of the unfinished roads to become a burden upon the State treasury, compelling the State to take possession of and sell the roads; thus sacrificing all the stock subscribed by private individuals, cities and counties, and the larger part of the aid granted by the State; when a little additional liberality, wisely extended to the companies, would, beyond reasonable doubt, secure all these interests and perpetuate the influx of population and wealth, and promote the prosperity of all the industrial pursuits which have been so generally stimulated by these great enterprises. The postponement of action, even to an adjourned session in the fall, (the necessity for which should be obviated, if possible,) must prove highly detrimental to the public interest at home, if not fatal to the railroad companies, and to the credit of the State abroad.

Justice to the South-West Branch of the Pacific Railroad demands that State bonds should be substituted for Guaranteed bonds. This will place that road upon an equality in the market with other roads in the State, and is all that is needed to enable the work of construction to go rapidly forward, if the policy adopted in regard to the other roads is not such as to retard the prosperity, and thus to impair the credit of the State, thereby causing a depreciation, in market, of our bonds.

It is certainly possible for the General Assembly, in its associated wisdom, to devise some method by which to provide for the completion of the other roads, either by returning to the original policy of requiring the subscription of stock, and the expenditure, in installments, of the means thus raised, as a condition upon which State bonds shall be

issued to the company, or by the issue of bonds by the company, secured by a mortgage or lien upon the road, and all the assets of the company; the State, if necessary, releasing the first lien to the extent of the issue of bonds, limited in amount, thus provided for. Any other practicable means is preferable to this last; but it would be far better to release the first lien upon the amount necessary to complete the roads to which State aid has been granted, than to suffer the roads to remain in an unfinished and comparatively unproductive condition, to be thereby thrown upon the State. The State will, in this way, be liable to less loss, and will, probably, never suffer at all; while the less liberal policy must inevitably result in the bankruptcy of the companies now needing aid, the forfeiture of the roads to the State, their consequent sale, and thus an immense loss to the State. The consequences of this latter policy would be great losses on the part of many of our most enterprising citizens, the destruction of confidence, public and private, financial disaster to the people of our State, the diversion of emigration to other States, and the procrastination of the development of the resources of the State; thus repressing all our energies, holding timidly in check the expansive spirit of enterprise, now hopefully engaging in the various industrial avocations that create wealth and promote refinement among a people heretofore almost exclusively agricultural, and subjected, in consequence, to every description of hardship and inconvenience.

I confidently hope that the Assembly will not adjourn, either *sine die*, or to a future day, leaving the railroad companies unprovided for, and the State to retrograde in all the elements of prosperity and greatness. In other States a suspension in the prosecution of public works has never failed to postpone action for a considerable number of years. In view of the spirit of enterprise manifested in nearly all the other States in the West, what must be the effect of a policy that will cause such a result in this State? Is it not evident that every interest in the State must suffer incalculably from such legislation? and that Missouri,

possessing more ample resources than any other State in the Union, and more favored in geographical position than any other, will, in consequence, fall far behind her neighbors in everything dependent upon energy and sagacious enterprise? Will Missourians consent to thus expose their interests to ruin, themselves to be thrust aside and surpassed by their less favored rivals, and to become the laughing-stock of the world? I hope that State pride will forbid it.

Having gotten a system of internal improvements successfully in progress, after surmounting so many obstacles as had to be overcome by the friends of these works, the roads far advanced towards completion, and the golden prize almost within our grasp, should Missouri falter in its onward march to greatness, when a very few millions will save her from all the evils mentioned, and secure to her the pre-eminence nature designed her to enjoy? When by a little additional effort, we may secure to St. Louis, (the great mart of the State, and of the West, and which city has exerted her utmost in behalf of these great interests,) and to the tributary points in the State, the advantages of a greatly extended commerce, and make our commercial metropolis the great focus of travel in the Mississippi Valley, thereby, to a corresponding extent, increasing our State revenue, shall we, in view of a trifling expenditure, abandon all hopes of such a brilliant destiny? Just as the State is beginning to feel her strength, and the world to appreciate her resources and ultimate commercial power, shall we desist from our efforts, and thus, perhaps, for years cast a pall of gloom over our prospects?

If confidence is not felt in the directory of the roads as now organized, and it is thought that the Board of Public Works is incompetent to sufficiently guard the interests of the State, I doubt not the companies, as a condition of receiving further aid, will consent to give the State a voice in their several Boards of Directors; and this, in my opinion, would be a just provision.

I bespeak for these suggestions your careful consideration, and trust that your action will be such as will commend

itself to an enlightened and public spirited people, whose interests you were elected to promote.

Very respectfully,

R. M. STEWART.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 1859

*From the Journal of the Senate, pp. 299-300*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 23, 1859.

*Gentlemen of the Senate, and of the House of Representatives:*

In my general message I informed you of the appointment at an early day, after the passage of the law authorizing it, of Judge James W. Morrow as the commissioner on the part of Missouri, to adjust and settle the boundary of the State at Wolf Island: also of his subsequent resignation in consequence of ill health, and the appointment of Mr. R. A. Hatcher, of New Madrid, by whom no reports had then been made. Within a few days a letter, herewith submitted, marked (A) has been received from him, stating what has been done by him under his appointment, and the present condition of the matter now in the course of litigation in the Supreme Court of the United States.

An additional statement, marked (B) accompanied the letter, showing the necessity of an additional appropriation, wherewith to defray the expenses of the suit. Believing that the commissioner will use all possible diligence in the prosecution of the suit, and thus at least, the amount of the original appropriation, will be needed to defray the necessary expenses, and properly compensate the commissioner for his services. I respectfully recommend that an additional sum of six hundred dollars be appropriated to that object.

Very respectfully,

R. M. STEWART.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES.

FEBRUARY 28, 1859

*From the Journal of the Senate, p. 341*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, MISSOURI, 1859.

*Gentlemen of the Senate, and of the House of Representatives:*

I herewith submit the Report of the Engineer appointed to plan and superintend the improvements of the Capitol grounds, together with maps exhibiting the general designs of said improvements. Very respectfully,

R. M. STEWART.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES.

MARCH 12, 1859

*From the Journal of the Senate, pp. 498-499*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 12, 1859.

*Gentlemen of the Senate and of the House of Representatives:*

I think it my duty, before the General Assembly adjourns, to call attention to several interests which require legislation *now*; some of which must suffer if neglected until the time at which it is proposed to hold an adjourned session.

Some means are necessary with which to carry on the improvements of the capitol grounds, which will be liable to great injury if left in their present unfinished condition, ultimately causing serious loss to the State; and for them to remain as they are, must not only cause loss, but will be discreditable to a State possessing the wealth and resources that Missouri does. Means should be provided for whatever cash outlay is necessary. Authority, too, should be given to remove the inner wall, which, since the extension,

is wholly unnecessary. And, in order to carry on the building of the exterior wall, authority should be given to employ a master mason, to act as superintendent of that department of labor.

In the law authorizing the construction of the inner wall, was an implied power to employ such superintendent; and, although I regarded that power as properly extending to the construction of the outer wall, especially as it will serve the same purposes for which the other was intended, viz: the enclosure and preservation of the public grounds, and continue the services of the person so employed, the law has been otherwise construed, and said superintendent, whose services I deemed indispensable to the progress of the work, remains unpaid.

His compensation ought to be provided for, in the absence of which, I shall feel under personal obligation to myself discharge the debt, due for services, rendered to the State. Provision should also be made for the future, if the views of the Assembly accord with my own, in reference to the prosecution of the improvements.

It is wrong to leave the Penitentiary without any cash means wherewith to carry on its operations. It has expended a very large amount of labor upon the capitol grounds, as well as in the improvements of the Penitentiary itself, and much yet remains to be done. This should be considered, and justice awarded to its management. I feel assured that no means will be used not indispensable to the prudent and economical management of its finances.

Some improvements are needed upon the premises of the Governor's mansion. The walls and fences enclosing the grounds are in a dilapidated condition, so that there is no security for anything cultivated therein, and the stable is wholly unfit for use. The premises ought certainly to be tenantable and comfortable.

Feeling the deepest interest in the great and leading public interest of the State—our works of internal improvements—I hope yet that the General Assembly will not adjourn without having made such provision as is indis-

pensable to the progress of construction, and the preservation of the credit of the State; thus obviating the necessity of calling an extra session at a very early day, which the public interest, under such circumstances, would imperatively demand, and which would be attended with a large expense, it is yet possible to avoid.

The fears which seem to be entertained in regard to the proposed aid to our railroads, I feel assured are groundless, and result mainly from a clamor raised against all innovations upon the old order of things, or a set of opinions long entertained.

Neither progress or improvement has ever been accomplished, without having to overcome prejudices pertinaciously adhered to and vigorously defended, but which must be, and eventually are, overcome; and then an enlightened world is astonished that it has so long clung to error. I am satisfied that our circumstances demand a liberal policy, and that public sentiment withholds its confidence from those who now advocate a different course, which must result in multiplied evils, if momentarily such a policy prevail.

And it cannot be reasonably doubted that those who are the cause, unnecessarily, of the additional expense of an extra session of the Legislature, will be held responsible for a course so suicidal in its tendencies.

I hope there will be no occasion for public censure by reason of a neglect to seasonably attend to the public weal in these matters.

Very respectfully,

R. M. STEWART.

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### TO THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 1859

*From the Journal of the House of Representatives, pp. 56-57*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, December 6, 1859.

*Gentlemen of the House of Representatives:*

In response to the resolution adopted by your body, requesting me to furnish the Legislature with information as

to the amount of the State bonds issued, or to be issued in the construction of the Platte County Railroad, and the items of expenditure reported by the company controlling said road, upon which the bonds of the State have been issued, I would, for an outline history of that company, refer you to my message which accompanied the bill entitled "an act to provide for the construction of the Platte County Railroad," returned to the Senate on the 3rd inst. And for particulars as regards *items* of expenditures, &c., I respectfully refer you to the report of the Board of Public Works, whose special province it is to furnish to the General Assembly the information desired.

I also herewith submit a copy of an answer made by the Secretary of State, Hon. B. F. Massey, in response to a resolution of inquiry adopted by the Senate: "In answer to a resolution propounding certain questions in connection with the issuing of bonds to the Platte County Railroad, I have to say in answer to the first question, there is no evidence in this office in reference to the organization of said company, nor do I think there is any provision of law requiring the company to file anything upon that matter in the office of the Secretary of State. The foregoing answer also answers the second question. There has been issued to the Platte County Railroad Company three hundred bonds. They were issued on the 4th day of August, the 13th September, October 10th, November 22nd, November 23rd, and November 24th, all in the year 1859. As to the evidence of the compliance of said company with the provisions of the law of March 3rd, 1857, it consists of the papers filed upon which the bonds have issued: that is, a paper showing that a certain amount of the funds of the company has been expended in the actual survey, location, and construction of the road—said paper is signed and sworn to by R. A. Park, Treasurer, and A. P. Parker, Director; also a paper showing no lien or encumbrance exists or has been created on the road, or its appurtenances, except the lien in favor of the State—signed and sworn to by the same Directors as the other, and by William Osborn



as President of said railroad company; and also a paper accepting the bonds when issued—signed by William Osborn, President. Papers similar to the foregoing are filed upon each application for bonds, and is all the evidence in this office the act to which the Senate's resolution refers has been complied with by said company, and is thought to be all the evidence on the subject the law requires should be filed in this office. Very respectfully, &c."

It is hoped that the references made, together with the above copy of the Secretary of State's letter, will be satisfactory.

Very respectfully,

R. M. STEWART.

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*TO THE SENATE*

DECEMBER 12, 1859

*From the Journal of the Senate, p. 74*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., December 12, 1859.

*Gentlemen of the Senate:*

I herewith transmit to you the Report of the Board of Public Works.

Very respectfully,

R. M. STEWART.

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*TO THE SENATE.*

DECEMBER 17, 1859

*From the Journal of the Senate, p. 97*

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CITY OF JEFFERSON, Mo., December 17, 1859.

*Gentlemen of the Senate:*

I am in receipt of your very polite note.

R. M. STEWART.

## TO THE SENATE

JANUARY 12, 1860

*From the Journal of the Senate, p. 250*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January 12, 1860.

*Gentlemen of the Senate:*

The resolution referred to in your resolution of the 11th inst. has been duly considered, and I can only inform the Senate that the evidence upon which the bonds were issued to the Cairo and Fulton Railroad, like all other evidence of the same character, can be found in the office of the Secretary of State, as required by law.

I refer you to that source, and to my veto message, of this session, of the bill relating to the Cairo and Fulton Railroad, in the possession of the Senate prior to the adoption of the first resolution relating thereto, for full information upon the subject.

Respectfully,

R. M. STEWART.

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## TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 13, 1860

*From the Journal of the Senate, pp. 264-265*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., January 13, 1860.

*Gentlemen of the Senate and House of Representatives:*

The time fixed for the adjournment of the General Assembly being near at hand, and the necessary provision for the prosecution of the improvement of the capitol grounds not yet made, I deem it my duty again to call your attention to the subject.

It may be well, perhaps, to briefly refer to the several laws relating to these grounds and their improvement.

In the fourth section of an act "to authorize the Governor to improve the capitol grounds, and other streets in Jefferson City," approved December 7, 1855, "the Governor is authorized to cause capitol square to be enclosed with iron railing, in such manner and style as he may deem best, and draw his requisition for the cost of the same in favor of the undertaker or undertakers on the Auditor of Public accounts, who is authorized to draw his warrant on the State Treasurer in conformity to such requisition."

This authority was deemed ample for the prosecution of work of enclosing the capitol grounds, as originally limited.

But by an act passed the same session, approved December 13, authority was given "for the enlargement and extension of the capitol grounds," by the purchase of adjacent lots specially described in the act, which, when purchased, were to "be subject to all the provisions of law and be under the same control and management as (was) the (former) capitol square or grounds." Provision was made in the same act for securing the title to said "enlarged area" and for removing "any buildings" thereon.

In an act approved March 5 of the same year authority had been already given to the Governor to employ convict labor in improving the public grounds around the capitol, if there were convicts who could not be profitably employed within the walls of the penitentiary.

In an act approved November 23, 1857, "the Governor is authorized to employ an Engineer to lay off the grounds, with a view to their beauty, convenience and adornment, if a sufficient number of convicts can be spared from the penitentiary; and the Warden of the penitentiary is required to employ all the convicts unemployed at the prison in their improvement." The same act provides that "the necessary expenses of guards shall be paid to the Warden quarterly out of the State Treasury."

Upon consultation with the Inspectors, Warden, and Factor, it was thought that about one hundred convicts

could be spared from the penitentiary, and it was determined to commence the improvement of the extended area, which was done in the spring of 1858. This work required of the Warden an outlay for the purchase of mules with which to remove the earth excavated, which expense is justly chargeable to such improvement. There were other expenses incident to the work, which are also chargeable to the same account.

As the whole area was to be enclosed, the inner wall already commenced but incompleated was deemed unnecessary, and it does not accord with the Engineer's plan with a view to the "*beauty*" and "*adornment*" of the grounds. Accordingly all the work upon the inner wall was abandoned; and the labor thus employed, including the master workman, "was transferred to the outer wall." As the enlarged area was made "subject to *all* the provisions of law as (was) the (former) capitol square or grounds," I thought the transfer of this labor clearly authorized as well as indispensable to the preservation of the filling done in the grade established. But the Auditor thought differently; and in consequence, the salary of the master mason, whose service and superintendence were absolutely necessary, and who had before been employed upon the inner wall and *paid*, had to be paid from my own pocket, together with other bills incident to the work.

I do not suppose that the people of the State desire to have their capitol grounds improved, or other public services rendered at individual cost, and trust that their Representatives will see the justice of reimbursing the sum thus paid.

In consequence of the failure of the General Assembly to make the necessary appropriation at the regular session, it became necessary to withdraw the convict labor from the capitol grounds, and to wholly discontinue the work of their improvement.

They are thus left in a condition in which the work previously done is rapidly going to waste.

Several evils are liable to result from the washing of the grounds in their unfinished condition. It will be diffi-

cult, if not almost impossible without great expense, to obtain earth with which to replace that washed away; and if allowed to remain in this condition another year, it will cost thousands of dollars to repair the damage. The earth is washing down upon the railroad track. Of this the railroad company have the right to complain, if nothing more serious grows out of it.

The condition of the grounds is unsatisfactory to the city authorities, and is justly so. The improvements ought to progress with all reasonable energy to completion.

The present condition of the grounds is a disgrace to Missouri. The General Assembly owes it to the interests of the State, to the Capitol City, to the people at large, and to its own reputation, to make provision for pushing the work on, as well as for liquidating debts already incurred.

I learn that about one hundred and fifty convicts can be spared from the Penitentiary, who cannot be profitably employed inside. This is a strong additional reason why the improvement should be *now* pushed forward.

I trust that, in attending to the interests of the State just now of paramount importance, this minor, though by no means insignificant interest, will not be neglected.

Very respectfully,

R. M. STEWART.

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### TO THE SENATE

JANUARY 16, 1860

*From the Journal of the Senate, p. 298*

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CITY OF JEFFERSON, Mo., January 16, 1860.

*To Gentlemen of Senate of State of Missouri:*

Gent—I hereby appoint, with your advice and consent, Mathias Steitz for the fourth district, and Louis V. Bogy for the fifth district, Commissioners for the county of St. Louis, Missouri, as provided by an act amendatory of an act entitled “an act concerning the county of St. Louis,” approved March 14, 1859.

R. M. STEWART.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 16, 1860

*From the Journal of the Senate, pp. 304-306*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO., JANUARY 16, 1860.

*Gentlemen of the Senate and of the House of Representatives:*

In response to your resolution enquiring whether I have anything further to communicate, I regret the necessity of reminding you that several very important interests remain unprovided for. The General Assembly ought not to have adjourned without having made provision for continuing the work on the Capitol Grounds. They are left in a condition to wash and waste; and a large number of convicts are left upon the hands of the Warden, to be either unprofitably employed or not employed at all. As the improvement referred to is to be done, it ought to progress while there is surplus labor in the Penitentiary with which to do it.

In consequence of the failure, at the regular session, to make the necessary appropriation, the Penitentiary has necessarily incurred considerable debt. It will be borne in mind that a large amount of convict labor has, in the last two years, been employed in making improvements that were indispensable, but which are of a permanent character, and therefore a similar expense cannot again soon occur. If paid for the labor thus done, the institution has been more than self-sustaining, so far as regards ordinary current expenses. It would be highly discreditable to the State to leave the unavoidable expenses of this institution unprovided for.

But in addition to these comparatively minor, though important matters, the great object of the session has failed of any decisive or effective action. While it has been made clear that this General Assembly is opposed to a sale of our railroads, no other positive expression has been given, and no practical measure relating to them has been consum-

mated. In view of the great interests involved, this is not only to be regretted, but creates the necessity for a special session at a very early day. Although provision had been previously made for promptly meeting the interest accruing upon the liabilities of the State, thus preserving *its* honor, the railroad companies are left without means with which to continue the work of construction, and in a condition of uncertainty that must necessarily completely paralyze any efforts they may make to extricate themselves from their embarrassment. It is due alike to them and to the State, that this condition of doubt and uncertainty shall be removed. It is important to them and to the State, that the roads shall be completed without delay; but this cannot be done while the present companies labor under the disability of forfeiture and the incubus of uncertainty.

In their present condition of forfeiture it is made lawful for the Governor to take possession of and sell them, after advertising them six months; and he may bid them in; but no maximum price is fixed, below which he may bid them in, nor a minimum above which they may be sold. Nor are the terms of sale fixed—whether for cash, or on credit. Nor does the law direct how the roads shall be managed while in the possession of the State, or what shall be done with the proceeds when sold.

But as before remarked, this General Assembly has expressed itself, and I think very wisely, in opposition to their sale. There is no necessity for it. With the certainty of the ultimate solvency of the companies, it would be a very great wrong to the liberal-minded and enterprising citizens who put the ball in motion, and who have contributed liberally towards their construction. It would be a needless sacrifice of the interests of the cities and counties that, as well as the State, have aided by subscriptions. And to abandon these works now would be in keeping with the economy of the builder, who, after the erection of a house, should leave it without a roof, thus soon to decay, when a little additional labor would secure and make it serviceable, valuable, and durable.

It is the height of folly to heed the hue and cry about the destruction of our credit, oppressive taxation, and bankruptcy. In every State a liberal system of Internal Improvement has had to contend with the same groundless alarms, raised by financial sharks, and seized upon by interested politicians, by which to wield an influence over a people they hope to mislead, and thereby secure to themselves place and power.

In New York the muffled drum was beat under the window of DeWitt Clinton, the originator of the Erie Canal, which has made that the Empire State, and the death song was sung at night at his door. All can now see how utterly groundless were the fears of the Knickerbockers; all appreciate the wisdom of the immortal CLINTON. And if our system of Internal Improvements is sustained by the fostering care of the State until the main trunks are completed, or until our margin of constitutional indebtedness is exhausted, public spirited citizens will complete the fabric, and Missouri's rapid strides to greatness will be planted upon a sure foundation.

All apprehensions of the further depreciation of our bonds are causelessly entertained. In fixing a constitutional limitation to our State indebtedness it was understood by capitalists that it would be increased to that point, and the first bond sold after the limitation was likely to be as much affected thereby as the last that can be issued.

Every session of the General Assembly, since the commencement of our Internal Improvements, has been infested with moneyed harpies, who have attempted to control our legislation; but we have thus far got along without them, and can still do so. We have the resources; this capitalists know. It is not necessary that we should consult the views of any man, or combination of men, as to the policy we shall adopt; if one set of capitalists will not accommodate us upon our own, or reasonable terms, another will. We owe it to ourselves and to those whose interests have been entrusted to our hands, to shake off those who are seeking to prey upon our financial ruin; and with a firm



step ought we steadily to advance in our onward march to political and commercial greatness. This can best be done by managing our own affairs in our own way; carefully conserving our public interests, and protecting the interests of those who, by their influence and their wealth, have set in motion our work of progress, and who are still ready to add momentum to our onward movement.

Let me admonish you, that those who are responsible for the ultimate defeat of measures tending to promote our Internal Improvement interests, will have a fearful account to render to an indignant people. A failure by this General Assembly to make provision for continuing the work of construction upon our trunk roads to which State aid has been granted, will inevitably bring this question before the people in the coming canvass; and those upon whom the onus of a retrograde policy shall rest, may well apprehend the consequences to themselves. Missouri will never consent to return to the snail-like progress of former times, nor submit to needless financial burdens and disappointed aspirations, to gratify the prejudices of those who cannot appreciate her elements of greatness, or those who are disposed to pander to those prejudices for unworthy purposes.

Very respectfully,

R. M. STEWART.

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*TO THE SENATE AND THE HOUSE OF REPRESENTATIVES*

MARCH 20, 1860

*From the Journal of the Senate, pp. 118-119*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 20, 1860.

*Gentlemen of the Senate and of the House of Representatives:*

Although it has been stated to me unofficially that there is not a quorum in one or both Houses of the General Assembly, a condition of things, if officially declared, that would render the Assembly incompetent to receive official communication, I have thought it proper to ignore that rumor in addressing to you one or two suggestions.

It is of the utmost importance that the great objects of the session should be consummated, and in a manner that should fully protect the numerous interests at stake. And in order to the proper and satisfactory disposition of those measures, I deem it all important that a quorum shall be preserved in both Houses. It must be seen by the members that it is due to the public interest that they should remain until time has been given for due deliberation upon the bills submitted for the consideration and action of the Executive Department. In view of the rumor alluded to, I regard it as a duty I owe to myself and the State, to urge these thoughts upon your attention, hoping that the business of the session may not be interrupted until satisfactorily concluded. The seventeenth section of article three of the constitution of Missouri, which says that "a majority of each House shall constitute a quorum to do business," makes it clearly apparent that a quorum is indispensable to the transaction of *any business*, (except to adjourn from day to day, and to send for absentees,) even for an adjournment *sine die*. This fact is a sufficient reason, under present circumstances, for preserving a quorum; and the unfinished condition of the important measures of this session renders a quorum a necessity. I trust, therefore, that all will feel the responsibility resting upon them, and be present until there can be a final adjournment.

Very respectfully,

R. M. STEWART.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 23, 1860

*From the Journal of the Senate, pp. 121-122*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., March 23, 1860.

*Gentlemen of the Senate and of the House of Representatives:*

The most important bill passed at the late adjourned session, (the bill concerning slaves, free negroes, and mulat-

toes,) was placed in my hands during the last hour of the session, and was only seen by me a few minutes before the adjournment, having been busy during all that and the most of several hours preceding, in signing bills submitted to me on that day. I was thus allowed no opportunity for the proper consideration of the measure referred to, although the responsibility of its failure, unless signed without examination, was in that way thrust upon me. The bills relating to the principal objects of the called session were also placed in my hands just on the eve of, or since the day on which an adjournment *sine die* seems to have been contemplated, thus again throwing upon the Executive the gravest responsibilities. For however objectionable the features of said bills might prove to be upon a careful examination, if, as is too often the case, just before the adjournment, a large number of members take their departure, leaving barely, or only constructively, a quorum, the odium of their failure is thus thrown upon the Executive, when, if the opportunity was given for the removal of objections, there would be no necessity for such a result. I am free to say that in the bills before me I do find objectionable features, and therefore hope, if there are any doubts of the presence of a quorum in either House, that the proper measures will be taken to secure a quorum at once, so that the objections may be remedied, and the objects of the session consummated. I hope that responsibilities so grave as those pertaining to the failure of these important measures, or the approval of enactments defective in their provisions, if they do not peril the interests involved, are not to be forced upon the Executive Department by the absence from their places of those who have the power to apply the remedy. Having originated the railroad system of the State, and devoted to it my time and energies for many years, both in the General Assembly and out of it, in opposition to all manner of obstacles that could be interposed, I could not feel any other than the warmest interest in the success of the roads which have thus been brought into existence. No one can feel more keenly than myself the responsibilities

that attach to legislation upon this subject. I therefore trust that the rumor that those facilities thus created have been used to carry off, and on Sunday, a quorum of a co-ordinate branch of the government, in order that the main responsibilities pertaining to these interests might be thrown upon the Executive Department, is not well founded. And I hope to have official information at the earliest moment of the fact that the General Assembly is prepared to proceed with the business awaiting action.

Very respectfully,

R. M. STEWART.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 27, 1860

*From the Journal of the House of Representatives, p. 149*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 27, 1860.

*Gentlemen of the Senate and of the House of Representatives:*

As an act of comity, which the Executive will, upon all occasions, extend to the Legislative department, I most respectfully ask to be informed whether there is a constitutional quorum to do business, in order that the great objects of the extra session may be carried out in a manner calculated to advance the best interests of the State, which I most ardently desire to have accomplished.

Yours respectfully,

R. M. STEWART.

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TO THE GENERAL ASSEMBLY

MARCH 30, 1860

*From the Journal of the House of Representatives, pp. 157-158*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, March 30, 1860.

*To the General Assembly of the State of Missouri:*

I regret being compelled to say again that I am unofficially informed of a fact, which according to time-

honored usage, and the comity which should exist between co-ordinate branches of government, should have been communicated to me. This is for you to judge. I am, as stated in a former communication, *unofficially* informed that the two Houses have agreed to adjourn *sine die* at ten o'clock, A. M., of this day.

What should have caused such a resolution on the part of the General Assembly I am not prepared to say, unless it be that the absence of a quorum in either House prevents the transaction of *business*. I have already on a former occasion deemed it my duty to respectfully ask the two Houses whether the rumors respecting the absence of a quorum in either House was founded in truth. My motive for making such a request were solely based on a desire that the bills which might be enacted by the Assembly during such a state of affairs, and which I might sign, after having, as the constitution contemplates, time for mature deliberation, should not be made subject to technical interpretations.

Being thus situated, it becomes my imperative duty to respectfully ask the General Assembly, in the name and behalf of every vital interest of the State, to reflect and ponder well before carrying out such a resolution.

I would remind you that two of the three great measures, which I called this extra session to consummate, are unattended to. The Capitol Ground bill, which you passed, and to which I refused my signature, was so equivocal in its language, and so indefinite and contradictory in its enactments, as to fail utterly to carry out the ostensible object of its enacting clause; and should you adjourn now, the ground and the public buildings on it will greatly suffer; the work on it will stop, and the valuable labor of hundreds of convicts in the Penitentiary will be lost to the State, and all the money which has already been expended will be thrown away.

This consideration is, however, unimportant, when compared with the condition of our railroads. Immediately after the passage of the bill which you sent to me for my

approval, a majority of the members—as I have been *unofficially* informed, but of which fact I have had no *official* information—taking advantage of the intervening Sunday, left; thus leaving the responsibility upon me of the failure of all measures, which might have been passed, and which may yet be passed, if the rumor afloat, of which I have no *official* notice, is not true,—that not a constitutional quorum is present to do business.

I had cherished the hope, that if at any time there was only a minority of both or either House at their post, that it would enforce the attendance of absentees, in order to enable the General Assembly to transact business. I still hope this may be done, if there is only a minority in either or both of the Houses of the General Assembly.

As before stated, I have not up to this moment had any official information that the General Assembly is incapacitated to do business. If there is only a minority in either House, I implore you to bring back the absentees, in order that some business may be done; and if rumor is true, undo what you have done, that the honor and credit of the State may be preserved.

Yours truly,

R. M. STEWART.

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### TO THE SENATE

JANUARY 2, 1861

*From the Journal of the Senate, p. 19*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 2, 1861.

*Gentlemen of the Senate:*

Hon. C. F. Jackson, former Bank Commissioner of the State of Missouri, having tendered to me his resignation of that office, to take effect on the 10th day of May, 1860, by virtue of the authority vested in me by law, I appointed Hon. Sterling Price to fill the vacancy occasioned by such withdrawal; and hereby submit said appointment for your

confirmation, as provided in section 26, article 3, of an act of the General Assembly of the State of Missouri, entitled "An act to regulate Banks and Banking Institutions, and to create the offices of Bank Commissioners," approved March 2, 1857.

Respectfully,

R. M. STEWART.

## PROCLAMATIONS

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### ON THANKSGIVING

DECEMBER 7, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 254*

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All must recognize the beneficence of Divine Providence in the bestowal of life and its countless blessings. It is our duty, and should be our greatest pleasure, to render the homage of devout and thankful hearts to Him who is the Author of all good. This obligation is not less binding upon us as a community than as individuals. In our capacity as citizens of a sovereign State, we should, with one accord, unite in the expression of our fervent gratitude for the innumerable evidences of kindness and regard vouchsafed to us.

The husbandman, during the past season, has been blessed with abundant harvests; the earth has yielded its choicest gifts in compensation for his toils. True, a financial crisis, almost unequalled in the history of our country, has, for the time, bowed down some of the most important interests incident to our social and domestic economy. But the recuperative energies of our people will soon rise above this temporary paralysis of trade. It should only have the effect upon our minds and hearts of teaching us, by our experience, the fallacy of human judgment, and of admonishing us to elevate our thoughts and to rely with firm confidence upon that great Giver who, we are assured, sometimes afflicts his people for their own good. We have enjoyed health; no fatal epidemic has invaded our borders. In all the elements which contribute to make us great and powerful we have abundant reasons to be thankful.

Custom has established a day of thanksgiving, devoted in part to those sacred family reunions when parent and child, and the kindred of different generations, may meet around the family altars and strengthen those ties of affection which God has so wisely planted in the human heart.



Although the time usually allotted to the exercises of public thanks is past, I have deemed it not inappropriate (for gratitude is bounded by neither time nor season,) to designate a day wherein we can review the past, fruitful in instructive events, and, contemplating a new-born year, invoke upon our beloved State and people, a continuance of those blessings which have been so munificently bestowed.

I have thought it proper to fix this day, in a season of general festivity, when the social virtues are heightened by the renewal of acquaintances and those happy social greetings which add so much to the real pleasures of life.

In view of the manifold causes of gratitude, and in conformity with a custom worthy of universal regard, I, ROBERT M. STEWART, Governor of the State of Missouri, do, by this proclamation, recommend to the people of this State, that they observe Thursday the 31st of December, as a fitting day for thanksgiving to Almighty God, and, in humble prayer to him for a continuation of His Parental care over us.

In Testimony Whereof, I have hereto set my hand and caused the great seal of the State to be affixed. Done at the office of the Secretary of State in the City of Jefferson, this the seventh day of December, A. D., 1857, of the Independence of the United States the eighty-second, and of the State of Missouri the thirty-seventh.

By the Governor

ROBERT M. STEWART.

B. F. MASSEY,

Secretary of State.

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## ON THE WASHINGTON MUTUAL INSURANCE COMPANY

DECEMBER 28, 1857

*From the Register of Civil Proceedings, 1852-1860, p. 259*

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WHEREAS by the 36th section of the act entitled,  
"An act to incorporate the Washington mutual insurance

company of St. Louis," it is provided that no policy shall be issued by said company until the Governor of the State, shall have made proclamation, that application has been made for insurance in said company on fifty-thousand dollars at least, of which notice shall be given him by the directors.

And WHEREAS by a statement made to me by said directors of date the 9th inst. and verified by affidavit, it appears that application for insurance to the amount of Ninety thousand Dollars on said company. Now THEREFORE I ROBERT M. STEWART Governor of the State of Missouri do by this my proclamation make known said fact to all whom it may concern.

[R. M. STEWART.]

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### OFFERING A REWARD

MARCH 9, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 268*

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WHEREAS it has been represented to me, that a murder was committed on the body of one Antony Hoppe, by Rudolph Klappenback and George Myers on the 31st day of January last, in the county of Scott in this State: And WHEREAS it is further represented to me, that the said Rudolph Klappenback and George Myers, have fled from justice, and are now going at large, to the great detriment of the peace, good order and dignity of the State, Now, THEREFORE I, ROBERT M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby offer a reward of Three hundred dollars for the apprehension and delivery of said Klappenback and Myers, or either of them, to the Sheriff of the County of Scott aforesaid.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the city of Jefferson

(SEAL) this the Ninth day of March, in the year of our Lord one thousand eight hundred, and fifty eight, of the Independence of the United States the Eighty second and of the State of Missouri the Thirty-Seventh.

R. M. STEWART.

By The Governor

B. F. MASSEY

Secretary of State.

Description—*Klappenback* is a German about thirty five years old, five feet 6 or 7 inches high,—auburn hair—blue eyes, heavy built,—a blacksmith, cannot speak English distinctly.—*Myers* is also a German about thirty years old, six feet high and stout built—They were residents of Charleston Mississippi county, Missouri.

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### OFFERING A REWARD

APRIL 12, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 273*

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WHEREAS it has been represented to me, that a murder, was committed on the body of one Eli Massey by Nathan B. Howard in the county of Laclede in this State; And WHEREAS it is further represented to me, that the said Nathan B. Howard has fled from justice, and is now going at large to the great detriment of the Peace, Good order, and dignity of the State: NOW THEREFORE I R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby, offer a reward, of Two hundred dollars, for the apprehension and delivery of said Howard, to the Sheriff of the county of LaCledé aforesaid.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal, of the State of Missouri. Done at the City of Jefferson this the Twelfth day of April, in the year of our

(SEAL) Lord, one thousand Eight hundred and fifty eight. Of the independence of the United States the Eighty second and of the State of Missouri the Thirty seventh.

R. M. STEWART.

By the Governor

B. F. MASSEY

Secretary of State.

### Description

Howard is about Forty years of age,—fair skin,—dark hair,—grey eyes—rather heavy set,—pompous and overbearing in manner,—blunt and decided in conversation, and about five feet eight or nine inches in height.

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### OFFERING A REWARD

MAY 21, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 278*

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WHEREAS it has been represented to me, that one Andrew J. Johnston who stands charged, with the murder of Lucinda W. Johnston, committed in Maries county in the State of Missouri, on the ninth day of January last—escaped from custody, at Viena the county seat of said county on the 15th inst. and is now going at large to the great detriment of the peace, dignity and good order of the State.

NOW THEREFORE I R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby offer a reward of Three hundred dollars, for the apprehension and delivery of said Johnston to the sheriff of Maries county aforesaid.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the city of Jefferson this the Twenty first May in the Year of our

(SEAL) Lord, one thousand Eight hundred and fifty eight of the Independence of the United States the Eighty second and of the State of Missouri the Thirty seventh.

R. M. STEWART.

By the Governor

B. F. MASSEY

Secretary of State.

### Description

Johnston is about 22 years old, 5 feet, 11 inches, or 6 feet high—slender built—swarthy complexion—down cast countenance—black eyes and hair, and rather long teeth.

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### OFFERING A REWARD

JULY 5, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 235*

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WHEREAS it has been represented to me that on the 11th day of May last a murder was committed in the county of St. Louis Mo., by Christopher G. Filley on the body of one John Maxey; and whereas it is further represented to me that the said Christopher G. Filley, has fled from justice, and is now going Large to the Great Detriment of the Peace, Good order and Dignity of the State: NOW THEREFORE I R. M. STEWART Governor of the State of Missouri, by authority of law in me vested do by this my public proclamation hereby offer a reward of *Three hundred Dollars* for the apprehension and delivery of the said Filley to the Sheriff of Saint Louis county aforesaid.

In Testimony Whereof I have hereto set my hand and caused to be affixed the *Great Seal*, of the State of Missouri. Done at the city of Jefferson, on this the 5th day of July, in the Year of our

(SEAL) Lord, One Thousand Eight hundred and fifty Eight, of the Independence of the United States the Eighty third and of the State of Missouri the Thirty seventh.

R. M. STEWART.

By the Governor

B. F. MASSEY

Secy. of State.

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### OFFERING A REWARD

JULY 12, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 286*

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WHEREAS it has been represented to me, that on or about the 23rd day of May, A. D. 1858 a murder was committed upon the body of one Mary Oliver, in the county of Wayne, and that one, Andrew J. Oliver, was arrested, charged with having committed said murder, and that since, the said Oliver has escaped from the custody of the sheriff of said county of Wayne, and is now going at Large to the great detriment of the dignity and good order of the State.

NOW THEREFORE, I, R. M. STEWART Governor of the State of Missouri, do hereby offer a reward of Three hundred Dollars for the arrest and delivery of the said Andrew J. Oliver to the Sheriff of the County of Wayne.

In Testimony Whereof I have hereto set my hand and caused to be affixed the great seal of the State of Missouri this 12th day of July A. D.,  
(SEAL) 1858, of the Independence of the United States the 83rd, and of the State of Missouri the thirty seventh.

R. M. STEWART.

By the Gov.

B. F. MASSEY

Secy. of State.

*FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE*

OCTOBER 13, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 300*

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The State of Missouri to the Sheriff of Ozark County, Greeting: WHEREAS, it appears by the abstract of votes cast in the Counties of Ozark and Douglas, on the first Monday of August last, for a Representative for said counties in the Lower Branch of the General Assembly, and which abstract was made to the Secretary of State according to law, that there was no election in said counties for said office, by reason of a tie vote.

NOW THEREFORE, I R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law, do, hereby direct and command that you cause an election to be held on Monday the 29th day of November A. D. 1858, at the respective places of holding elections in the counties Ozark and Douglas, for the election of a Representative for said counties in the Twentieth General Assembly of the State of Missouri, and that you cause to be given Fifteen days notice thereof, according to law, and, you are further commanded, to certify to me how you executed this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson (L. S.) this the 13th day of Oct., A. D. 1858, Of the Independence of the United States—the Eighty-third. Of the State of Missouri the Thirty-eighth.

R. M. STEWART

B. F. MASSEY,  
Secy. of State.

## OFFERING A REWARD

OCTOBER 16, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 303*

WHEREAS it has been represented to me, that on the 6th inst. a murder was committed in Warren county, Missouri, by one Nathaniel Spencer, upon the body of Joshua Cook, and WHEREAS it is further represented to me, that the said Nathaniel Spencer, has fled from Justice, and is now going at large, to the great detriment of the peace, good order and dignity of the State. NOW THEREFORE I R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby offer a reward, of Two hundred dollars for the apprehension and delivery of the said Nathaniel Spencer to the Sheriff of Warren county aforesaid.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the city of Jefferson  
(SEAL) on this the 16th day of October A. D. 1858. Of the independence of the United States the Eighty third and of the State of Missouri the thirty eighth.

R. M. STEWART.

By the Governor

B. F. MASSEY

Secretary of State.

## Description

Spencer is about 45 years of age; Six feet 2 inches tall; very spare and erect; hair somewhat sandy; light complexion; A scar on the nose making it look a little forked at the end; The third finger on the right hand crooked; Numerous scars on his arms and body; Represented to be a very desperate and dangerous man; When he left he rode away a small bay mare 4 or five years old.



## ON THANKSGIVING

OCTOBER 26, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 316*

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The end of another year is approaching, The gladsome seasons of opening buds, of refreshing showers, of genial sunshine, and of golden, waving fields of ripening cereals, have again been enjoyed and are past. The husbandman is now gathering the rich stores with which a beneficent providence is wont to bless the labors of our most highly favored people. Abundant harvests have rewarded the toils of the farmer, and success, the honest and earnest efforts of all classes. Health, in the main, has given firmness to our footsteps and vigor to the ultimation of our purposes; And peace, has imparted confidence to our numerous enterprises and enhanced our blessings with the lull of security, and the beatitude of contentment. Heaven has showered its noblest gifts upon us, Religious freedom, civil Liberty, and the protection of individual rights, are the common heritage of all. Material wealth, intellectual attainments, and the rewards of virtue, are offered alike to all, and they have not sought in vain, who have sought aright. It is proper that we should recognize the hand, which has so bountifully provided for our happiness.

It is right that we should acknowledge our manifold obligations to the giver of all we possess and enjoy. It is our highest privilege to cherish a sincere gratitude to Him, in whom we live and move, and have our being. I have deemed it proper therefore, in conformity with a custom, which, with a wise regard for our highest interests, may ever be observed, to name a day on which the people of our State, may, with one accord, devoutly offer public thanksgiving, to the great source of life and its blessings.

In considering the day most appropriate, the 25th of November is suggested as eminently suitable. On that day,

1783, the last armed foe of American Independence, evacuated the enemy's fortifications and ceased to tread American soil. On that day, the complete and perfect independence of the American nation was consummated, and Liberty, civil and religious, unawed and undisputed, was proclaimed as the universal heritage, of all then sheltered by the American eagle, or who might thereafter, seek an asylum under his ever expanding wings. On that day for the first time undisturbed by the representative of despotism, and unrestrained by the terrors of any external foe, the fathers of American Freedom, shouted from the hill-tops the glad tidings that universal religious tolerance, civil liberty, and the political equality of our race, regardless of the Land of birth is established and shall forever have an abiding place, upon the earth; that henceforth the American Continent should be an asylum for the oppressed—"The land of the free." What day, so appropriate, for the outpourings of the gratitude of the American people.

In view, therefore, of the many causes of gratitude, which we continually enjoy, and of the occasion, which renders eminently appropriate the day designated, I, ROBERT M. STEWART, Governor of the State of Missouri, do by this Proclamation, recommend to the people of this State, that they observe, *Thursday*, the 25th day of November next, as a fitting day for Thanksgiving to Almighty God, and in humble prayer to him, for a continuance of his blessings.

In Testimony Whereof I have hereto set my hand and caused the Great Seal, of the State to be affixed. Done at the City of Jefferson this  
(SEAL) Twenty sixth day of October A. D. 1858. Of the Independence of the United States the Eighty third and of the State of Missouri the Thirty eighth.

R. M. STEWART.

By the Governor

B. F. MASSEY

Secretary of State.

*OFFERING A REWARD*

DECEMBER 1, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 322*

---

WHEREAS it has been represented to me that one Thomas Lyons, did, on the night of the 10th of November last, make his escape from the county jail of Cass county, Missouri, where he was confined, upon an indictment for murder in the first degree, which murder was committed in the city of Lexington, Missouri, some months since; and that the said Lyons is now going at large, to the great detriment of the peace, good order, and dignity of the State.

NOW THEREFORE, I, R. M. STEWART, Governor of the State of Missouri, in virtue of authority in me vested by law, do hereby offer a reward of Two Hundred Dollars for the arrest and delivery of the said Lyons to the Sheriff of Cass county aforesaid.

In Testimony Whereof I have hereunto set my name, and caused to be affixed the Great Seal (L. S.) of the State of Missouri. Done at the City of Jefferson, this 1st day of December, A. D. 1858.

[R. M. STEWART]

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*OFFERING A REWARD*

DECEMBER 1, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 322*

---

WHEREAS, it has been represented to me, that sometime about the middle of November last, one Amos G. Davis, in the county of Andrew in this State, committed a cold-blooded and wilful murder upon the body of A. M. Robertson, a peaceable and unoffending citizen of said county, and WHEREAS it is further represented to me that the said Davis has fled from justice, and is now going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby offer a reward of Two Hundred Dollars for the apprehension and delivery of the said Amos G. Davis, to the sheriff of the county of Andrew aforesaid.

In Witness Whereof I have hereto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson on  
(L. S.) this the 1st day of December, in the year of our Lord one thousand eight hundred and fifty-eight.

[R. M. STEWART]

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*FIXING DATE FOR ELECTION OF A JUDGE OF  
THE SEVENTH JUDICIAL CIRCUIT*

DECEMBER 13, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 324*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, Dec. 13, 1858.

*To the Sheriff of Vernon County—Greeting:*

WHEREAS a vacancy will exist, in the office of Judge of the circuit court, of the 7th Judicial Circuit, of the State of Missouri, after the 1st day of Jany. next.

NOW THEREFORE, I R. M. STEWART, Governor of the State of Missouri, by virtue of authority, in me vested by law, do hereby direct, and command, that you give notice according to law, that an election will be held, at the several places of voting in Vernon county, on Monday the 31st day of January A. D. 1859 for the purpose of electing a Judge to fill said vacancy and you are further commanded to give at least, Twenty-five days notice, of said election and to certify to me, how you executed this writ.

Witness my hand, and the Great Seal of the State.  
Done at the City of Jefferson, this 13th day of  
December A. D. 1858. Of the Independence of

(L. S.) the United States, the Eighty Third. And of the State of Missouri, the Thirty-eighth.

R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State.

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### OFFERING A REWARD

JANUARY 8, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 327*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON.

WHEREAS it has been represented to me that Benjamin Talbot, who is charged with the murder of Columbus Rosebury, on the 11th day of Sept. last, and who was confined in the jail of Washington County, did escape from said jail on the night of the Fifth of this month, and is now going at large to the great detriment of the peace, good order and dignity of the state.

NOW THEREFORE, I, R. M. STEWART, Governor of the State of Missouri, by virtue of authority vested in me by law do hereby offer a reward of two hundred dollars for the apprehension and delivery of said Benjamin Talbot to the Sheriff of said County of Washington.

In Witness Whereof I have hereunto set my hand and caused to be affixed the great seal of the  
(SEAL) State of Missouri. Done at the City of Jefferson this 8th day of Jan. A. D. 1859.

R. M. STEWART.

By the Gov.:

B. F. MASSEY

Secretary of State.

### Description

Benjamin Talbot is about five ft. 8 inches high, weighs about 140 or 150 pounds, short light sandy hair and quick spoken—and is a Gambler by profession.

**OFFERING A REWARD**

JANUARY 10, 1859

*From the Register of Civil Proceedings, 1852-1860, pp. 328-329*

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WHEREAS it has been represented to me that James Foster did on the 22nd day of Dec. last commit a foul and unprovoked murder upon the person of William Severs at Neosho Newton County Mo. and further that the aforesaid James Foster is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW THEREFORE I, R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law do offer a reward of \$150 for the arrest and delivery of said James Foster to the Sheriff of Newton County.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the  
(SEAL) State. Done at the City of Jefferson this 10th day of Jan. A. D. 1859.

R. M. STEWART.

By the Governor

B. F. MASSEY,

Sec. of State.

Description: Foster is about 5 feet 8 inches high, black hair, keen black eyes, pale complexion, spare made, large eyeteeth, left-handed, quick spoken and slightly stoop shouldered.

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**FIXING DATE FOR ELECTION OF JUSTICES OF  
THE COUNTY COURT**

JANUARY 14, 1859

*From the Register of Civil Proceedings, 1852-1860, pp. 329-330*

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*To the Sheriff of Phelps County, Greeting:*

WHEREAS, a vacancy exists in the office of County Court Justices in the County of Phelps of the State of Missouri.

NOW THEREFORE I, R. M. STEWART Governor of the State of Missouri by virtue of authority in me vested by law, do hereby direct and command that you give notice according to law that an Election will be held at the several places of voting in Phelps County on the 1st Monday of Feb. A. D. 1859 for the purpose of electing three Justices of the County Court to fill said vacancy, and you are furthermore commanded to give at least five days notice of said election and certify to me how you executed this writ.

Witness my hand and the Great Seal of the State.

(L. S.) Done at the City of Jefferson this Fourteenth day of January A. D. 1859.

R. M. STEWART.

By the Governor

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### *SUSPENDING AN EXECUTION*

FEBRUARY 3, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 333*

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#### *The State of Missouri:*

To all who shall see these presents *greeting*: Know ye that by virtue of authority in me vested by law, and for good and sufficient reasons appearing, I, R. M. STEWART, Governor of the State of Missouri do hereby suspend the execution of Nicholas Trantivino, and Anton Seite, who were at the November term of the criminal court of St. Louis County, A. D. 1858, sentenced to be hung for the crime of murder, until Friday the 18th day of March A. D. 1859.

In Witness Whereof I have hereunto set my hand and cause to be affixed the great seal of the State of Missouri. Done at the City of Jefferson this third day of Feby. A. D. 1859 of the independence of the United States the Eighty third and of the State of Missouri the thirty Eighth.

R. M. STEWART.

**OFFERING A REWARD**

FEBRUARY 11, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 336*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON.

WHEREAS it has been represented to me that James Hemby did on the night of the 25th day of December escape from the County jail of St. Francois County and that he is now going at large to the great detriment of the peace good order and dignity of the State.

NOW THEREFORE, I, R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law do hereby offer a reward of two hundred dollars (\$200) for the arrest and delivery of said Hemby to the Sheriff of St. Francois County.

In Testimony Whereof I have hereunto set my hand and affixed the Great Seal of the State of  
(SEAL) Missouri. Done at the City of Jefferson this  
Eleventh day of February A. D. 1859.

By the Governor

R. M. STEWART.

B. F. MASSEY

Secretary of State.

## Description

"Hemby is about 25 years of age, 5 feet 8 inches high, weight 155 lbs., hazel eyes, hair black, a little round-shouldered, dark skin and smooth, round face with a small head."

**ON THE SUN MUTUAL INSURANCE COMPANY**

MARCH 31, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 346*

*To all who shall see these presents—Greeting:*

WHEREAS by the twenty seventh Section of an Act of the General Assembly of the State of Missouri, approved the 14th day of March A. D. 1859, entitled "An act to incorporate the Sun Mutual Insurance Company of St. Louis"



it is provided "that no policy of insurance shall be issued by said company until the Governor of this State shall have made proclamation that application has been made for insurance in said company to the amount of Thirty thousand dollars at least, (of which notice shall be given by the Directors in one or more newspapers printed in said City)" and WHEREAS it has been certified to me (by an affidavit made by W. A. Nelson,) on the 29th inst. A. D. 1859 that application has been made for insurance to the amount of Forty two thousand Dollars. NOW THEREFORE, I, R. M. STEWART—Governor of the State of Missouri—in view of the premises, do by this my proclamation, make known, to all whom it may concern that the hereinbefore mentioned Insurance company is, from and after the date hereof, authorized to engage in the business of insurance, in accordance with the terms and conditions of the act of incorporation hereinbefore referred to.

In Testimony Whereof I, have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson, this Thirty first day of March, in the  
(SEAL) year of our Lord one thousand Eight hundred and fifty nine of the independence of the United States the Eighty-third and of the State of Missouri the thirty eighth.

By the Governor

R. M. STEWART.

B. F. MASSEY

Secretary of State.

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ON THE SOUTH ST. LOUIS FIRE MARINE INSURANCE COMPANY

APRIL 21, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 353*

*To all who shall see these presents—Greeting:*

WHEREAS by the Thirty-sixth section of an act of the General Assembly of the State of Missouri approved March

10th A. D. 1859, entitled "An act to incorporate the South St. Louis Fire Marine Insurance Company" it is provided "that no policy of Insurance shall be issued by said Company until the Governor of this State shall have made proclamation that application has been made for Insurance in said Company to the amount of Forty thousand dollars at least, and WHEREAS it has been certified to me on the 9th of April A. D. 1859, that application has been made for Insurance to the amount of Forty thousand dollars.

NOW THEREFORE, I, R. M. STEWART, Governor of the State of Missouri, in view of the premises do by this my proclamation, make known to all whom it may concern that the hereinbefore mentioned Insurance Company is from and after the date hereof authorized to engage in the business of Insurance in accordance with the terms and conditions of the act of incorporation hereinbefore referred to.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great seal of the State of Missouri. Done at the City of Jefferson  
(SEAL) this twenty first day of April in the year of our Lord, one thousand Eight hundred and fifty nine, of the Independence of the United States the Eighty third and of the State of Missouri the Thirty eighth.

By the Governor

R. M. STEWART

B. F. MASSEY

Secretary of State.

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*FIXING DATE FOR ELECTION OF A JUDGE OF THE  
FOURTH JUDICIAL CIRCUIT*

JUNE 6, 1859

*From the Register of Civil Proceedings, 1852-1860, pp. 360-361*

*To the Sheriff of Lewis County, Greeting:*

WHEREAS it has been certified to me that a vacancy exists in the office of Judge of the Fourth Judicial Circuit in consequence of the resignation of A. Reese.

NOW THEREFORE, I, R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby direct and command that you give notice of an election to be held on Monday the First day of August next, at the respective places for holding elections in said county of Lewis, for a Judge of said Fourth Judicial Circuit, to fill said vacancy, and that you cause to be given twenty days notice thereof, according to law; and you are further commanded to certify to me how you executed this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the (L. S.) State of Missouri. Done at the City of Jefferson this Sixth day of June A. D. 1859.

By the Governor

R. M. STEWART

B. F. MASSEY, Secretary of State.

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*FIXING DATE FOR ELECTION OF OFFICERS OF  
THE EIGHTEENTH JUDICIAL CIRCUIT*

JUNE 6, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 361*

---

*To the Sheriff of Howell County—Greeting:*

WHEREAS, by the provisions of the act entitled “an act to establish the Eighteenth Judicial Circuit” it is made the duty of the Governor to order an election in the different counties composing said Circuit, for a Judge and Circuit Attorney for the same, which election is to be held on the First Monday of August A. D. 1859.

NOW, THEREFORE, I, R. M. STEWART, Gov. of the State of Missouri, do hereby direct and command that you give notice of an election to be held on Monday the First day of August next, at the respective places of holding elections in Said county of Howell, for a Judge and Circuit Attorney for said 18th Judicial Circuit, and that you cause to be given twenty days notice thereof, according to law; and you

are further commanded to certify to me how you executed this writ.

In Witness Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State  
(L. S.) of Missouri. Done at the City of Jefferson this sixth day of June 1859.

R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State.

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*FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE*

JUNE 10, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 369*

---

*To the Sheriff of St. Charles County, Greeting:*

WHEREAS it has been certified to me that a vacancy exists in the House of Representatives of the 20th General Assembly caused by the resignation of, A. King, of St. Charles County.

NOW THEREFORE I R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law do hereby direct and command that you give notice of an election to be held on Monday the First day of August A. D. 1859, at the respective places of voting in St. Charles County for a Representative to fill the aforesaid vacancy; and you are further commanded to cause to be given twenty days notice thereof, according to law, and to certify to me how you executed this writ.

In Witness Whereof I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 10th day of June A. D., 1859.

R. M. STEWART.

By the Governor

B. F. MASSEY, Secy. of State.

*FIXING DATE FOR ELECTION OF A JUDGE OF THE  
EIGHTH JUDICIAL CIRCUIT*

JULY 6, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 366*

---

WHEREAS, it has been certified to me that a vacancy exists in the office of Judge for the Eighth Judicial Circuit caused by the resignation of James R. Lackland; and WHEREAS, it has been certified to me, that a vacancy exists in the representation of St. Louis County, by the resignation of Wm. G. Blackwood; and WHEREAS, I have been informed a vacancy exists in the said County, in the matter of representation caused by the death of Richard H. Bowlin: both late members of the 20th General Assembly NOW THEREFORE, I, R. M. STEWART Governor of the State of Missouri by virtue of authority in me vested by law, do hereby direct and command that you give notice of an election to be held on Monday the first day of August next at the several places of holding elections in said county of St. Louis, for a Judge, and two representative to fill said several vacancies, and that you give, at least five days notice according to law thereof; and you are further commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereunto set my name and caused to be affixed the Great Seal of the State of Missouri. Done at the city of Jefferson this 6th day of July, in the year of our Lord  
(L. S) one thousand Eight Hundred and fifty-nine. Of the Independence of the United States the Eighty fourth, and of the state of Missouri the thirty-Eighth.

*Signed* R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State

**FIXING DATE FOR ELECTION OF A CIRCUIT ATTORNEY OF THE FIFTEENTH JUDICIAL CIRCUIT**

JULY 6, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 367*

---

*To the Sheriff of Wayne County—Greeting:*

WHEREAS, it has been certified to me that a vacancy exists in the office of Circuit Attorney for the Fifteenth Judicial Circuit, NOW THEREFORE, I, R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby direct, and command that you give notice of an election to be held on Monday the first day of August next, at the Several places of holding elections in said County of Wayne, for a Circuit Attorney to fill said vacancy, in Said Judicial Circuit, and that you cause to be given at least five days notice thereof of according to law; and you are further, commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereunto set my name and caused to be affixed the Great Seal of the State of Missouri.

Done at the City of Jefferson this 6th day  
(L. S.) of July, in the Year of our Lord one thousand Eight hundred and fifty-nine. Of the Independence of the United States the Eighty-Fourth; and of the State of Missouri the thirty-Eighth.

R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State.

**FIXING DATE FOR ELECTION OF A STATE SENATOR**

JULY 11, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 367*

---

*To the Sheriff of Grundy County, Greeting:*

WHEREAS, It has been certified to me that a vacancy exists in the office of Senator in the 20th General Assembly from the Ninth Senatorial district caused by the resignation of James McFerran NOW THEREFORE I, R. M. STEWART Governor of the State of Missouri in virtue of authority in me vested by law, hereby direct and command that you give notice that an election will be held on the first day of August next at the several places of voting in Said County of Grundy, for the election of a Senator to fill said vacancy. and that you give at least five days notice according to law, of the holding of said election, and you are further commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereunto set my name, and caused to be affixed the great seal of the State. Done at Jefferson City this 11th day of July A. D. 1859.

*Signed* R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State.

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**FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE**

AUGUST 11, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 368*

---

*To the Sheriff of Dallas County, Greeting:*

WHEREAS, A vacancy exists in the office of Representative in the 20th General Assembly for the County of Dallas,

caused by the resignation of William B. Edwards, Now, THEREFORE I R. M. STEWART, Governor of the State of Missouri by virtue of authority in me vested by law hereby direct and command that you give notice that an election will be held in the said County of Dallas on the First Monday in August next at the Several places of holding elections therein for the election of a Representative to fill said vacancy, and that you give at least five days notice, according to law, of the holding of said election; and you are also further commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this eleventh day of August A. D. one thousand Eight hundred and fifty nine of the Independence of the United States the Eighty-fourth and of the State of Missouri the thirty-Eighth.

R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State.

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*FIXING DATE FOR ELECTION OF A STATE SEN-  
ATOR*

AUGUST 11, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 368*

---

*To the Sheriff of Scotland County, Greeting:*

WHEREAS, It has been certified to me that a vacancy exists in the office of Senator in the 20th General Assembly, the fifth Senatorial district; caused by the resignation of T. S. Richardson. NOW THEREFORE I R. M. STEWART Governor of the State of Missouri by virtue of authority in me vested by law hereby direct and command that you give notice that an election will be held in the said County of



Scotland on the First day of August next at the several places of holding elections therein for the election of a Senator to fill said vacancy, and that you give at least five days notice according to law of the holding of said election; and you are also further commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereunto set my hand, and caused to be affixed the great Seal of the State of Missouri. Done at the City of Jefferson this Eleventh day of August A. D. one-  
(SEAL) thousand Eight hundred and fifty nine of the Independence of the United States the Eighty-fourth and of the State of Missouri the Thirty Eighth.

R. M. STEWART

By the Governor

B. F. MASSEY, Secy. of State.

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*FIXING DATE FOR ELECTION OF A CIRCUIT  
ATTORNEY OF THE THIRTEENTH  
JUDICIAL CIRCUIT.*

AUGUST 13, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 380*

---

*To the Sheriff of Jasper County: Greeting:*

WHEREAS, a vacancy exists in the office of Circuit Attorney, for the 13th Judicial Circuit, caused by the resignation of A. F. Haun.

NOW THEREFORE, I, R. M. STEWART Governor of the State of Missouri in virtue of authority in me vested by law, hereby direct and command that you give notice of an election to be held at the several places of voting in the said county of Jasper on Monday the third of October next ensuing, for the election of a Circuit Attorney to fill said vacancy, and you are further commanded to give at least

twenty days notice according to law of the time of holding said election, and you are also commanded to certify to me how you execute this writ.

In Testimony Whereof, I have hereto signed my name and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 13th day of August A. D. 1859 of the Independence of The United States the 84th and of the State of Missouri the thirty-eighth.

By the Governor                      *Signed*      R. M. STEWART.  
B. F. MASSEY, Secy. of State.

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*ON THE IMPRISONMENT OF STEPHEN H. HOUSER.*

AUGUST 13, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 380*

---

*To the Sheriff of St. Louis County, Greeting:*

I, R. M. STEWART, Governor of the State of Missouri hereby commute the Sentence of Stephen H. Houser to imprisonment for life in the Penitentiary. Said Houser was by a judgment of the circuit court of St. Louis County sentenced to be hung on the first day of July A. D. 1859, and was respited by the Governor on the 24th day of June A. D. 1859 until the 12th day of August A. D. 1859.

In Testimony Whereof, I have hereto signed my name and caused to be affixed the great seal of  
(L. S.) the State of Missouri. Done at the office of Secretary of State, at the City of Jefferson this 13th day of August A. D. 1859.

By the Governor                      *Signed*      R. M. STEWART  
B. F. MASSEY, Secy. of State.

**FIXING DATE FOR ELECTION OF A JUDGE OF  
THE SIXTH JUDICIAL CIRCUIT COURT.**

AUGUST 22, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 386*

---

*To the Sheriff of Johnson County, Greeting:*

WHEREAS a vacancy will exist in the Office of Judge of the 6th Judicial Circuit Court, by the resignation of the Hon. Russell Hix, to take effect on the 26th day of September next.

NOW THEREFORE, I R. M. STEWART, Governor of the State of Missouri, by virtue of authority, in me vested by law hereby direct and command that you give notice of an election to be held at the several places of voting in the County of Johnson, on Tuesday the 27th day of September next for the election of Judge to fill said vacancy. And you are hereby commanded to give at least five days notice according to law, of the time of holding said election, and you are also further commanded to certify to me how you executed this writ.

In Testimony Whereof, I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State at the City of Jefferson this 22nd day of August A. D. 1859.

By the Governor

R. M. STEWART

B. F. MASSEY, Secy. of State.

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**OFFERING A REWARD.**

SEPTEMBER 26, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 392*

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WHEREAS it has been represented to me that a murder was committed on the body of one Daniel McLaren by

Alexander Riley in the County of Cole in this State, and WHEREAS it is further represented to me that the said Daniel McLaren has fled from justice and is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW THEREFORE I R. M. STEWART, Governor of the State of Missouri by virtue of authority in me vested by law do hereby offer a reward of one hundred and fifty dollars for the apprehension and delivery of said Daniel McLaren

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the  
(SEAL) State of Missouri. Done at the City of Jefferson this 26th day of September, 1859.

R. M. STEWART.

By the Governor

B. F. MASSEY

Sec. of the State.

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**FIXING DATE FOR ELECTION OF A STATE REPRESENTATIVE.**

OCTOBER 24, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 400*

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*To the Sheriff of Schuyler County, Greetings:*

WHEREAS a vacancy exists in the office of Representative in the 20th General Assembly, for the County of Schuyler caused by the resignation of Thomas Roberts.

NOW THEREFORE, I, R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, hereby direct and command that you give notice of an election in the said County of Schuyler on the 14th day of November next, at the several places of voting in said County for the election of Representatives thereof, to fill said vacancy, and that you give at least five days notice according to law of the holding of said election, and you

are further commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at the City of  
(L. S.) Jefferson this twenty-fourth day of October A. D. one thousand Eighteen hundred and fifty-nine, of the Independence of the United States the Eighty-fourth, and of the State of Missouri, the thirty-ninth.

By the Governor

R. M. STEWART.

B. F. MASSEY, Secy. of State.

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### ON THANKSGIVING.

NOVEMBER 25, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 404*

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Gratitude is one of the noblest impulses of the human heart. Man, constantly dependent upon the reciprocal services and kindly offices of his fellow-man, can exhibit no emotion more commendable than that arising from a just appreciation of these volunteer offerings of human sympathy. Duly estimating the social blessings that await him in his ever changing circumstances, the obligations his relations to society impose, are acknowledged in earnest efforts to contribute to the sum of human happiness, and in a ready response to the calls of charity.

But there pertain to man relations and obligations higher in the scale of being, and in moral dignity, than those of the social sphere. For all that man is, all that he has, all that he enjoys, and all that he can attain to, he is indebted to a Source infinitely above himself—a Power Supreme, an Intelligence All-wise, a Creative Energy whose benevolence is universal, extending to the least particulars of human life.

To the Infinite Cause of all that is, are we indebted for the numerous benefactions showered upon us during the past year—the continuance of life, the preservation of health, the perpetuity of civil and religious liberty, abundant harvests, the success of industrial pursuits, commercial prosperity, and the countless gifts that only the Wisdom of Omniscience could devise, only the munificent hand of Omnipotence bestow. Then, immeasurably greater than our obligations to man, are the demands upon us for gratitude to the great I AM.

While, as individuals, we should ever be thankful, it becomes us as a people to render public thanks to Him in whom “we live, and move, and have our being.” And no season of the year is so suitable as the one when the evidences of a beautiful Providence everywhere reminds us of the promise that “seed-time and harvest shall not cease.” Enjoying the inestimable blessings of a government founded upon the intelligence and virtue of a free people, it becomes us to recur to the events incident to the achievement of our freedom, that, in some measure, we may duly estimate its cost, and realize the value attached to it by those who pledged “their lives, their fortunes, and their sacred honor” in its behalf. We may well recur to the period in their struggle for liberty, when the people of Virginia, cherishing the tenderest sympathies of brotherhood for the inhabitants of the New England Colonies, after solemnly protesting against an oppressive act to which they were subjected, appointed, in manifestation of that sympathy, “a day of fasting and prayer.” With the liveliest feelings of gratitude may we recall the memorable 8th of December, 1776, when the venerated patriot, Washington, with an army “reduced to three thousand men, without tents or camp equipage, half naked and barefooted, disheartened by misfortunes, and hope even afar off,” at night successfully crossed the Delaware, thus saving this remnant of his force, whose achievements shortly after, rekindled hope, and made the Spartan band the nucleus of an ultimately victorious people. The appropriateness of the anniversary of that

event as a day of thanksgiving, will suggest itself to every patriotic heart.

THEREFORE, I, ROBERT M. STEWART, Governor of the State of Missouri, do, by this Proclamation, recommend to the people of this State, that they observe THURSDAY, the 8th of December next, in Thanksgiving to Almighty God for the innumerable blessings and mercies bestowed upon us during the past year; adding to their prayers for a continuance thereof, their united and earnest petition, that "the baneful violence of party spirit and sectional jealousy may be allayed, and that henceforth may be cherished (as expressed in Washington's Farewell Address) a "cordial, habitual, and immovable attachment to the Union, as the main pillar in the edifice of independence, the support of tranquility at home and abroad; of safety, prosperity and liberty."

In Testimony Whereof, I have hereunto set my hand, and caused the great seal of State to be affixed. Done at the City of Jefferson, this the  
(SEAL) 25th day of November, A. D. one thousand and eight hundred and fifty-nine, of the independence of the United States the eighty-fourth, and of the State of Missouri, the thirty-ninth.

By the Governor,

R. M. STEWART.

B. F. MASSEY, Sec. of State.

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### OFFERING A REWARD.

NOVEMBER 25, 1859

*From the Register of Civil Proceedings, 1852-1860, p. 405*

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WHEREAS it has been represented me that on, or about the 29th day of July 1859 one John Dudley of the county of St. Clair in this State, committed a cold blooded and wilful murder upon the body of George Price, a peaceable and unoffending citizen of said county, and WHEREAS it is further represented to me that said Dudley, has fled from

justice and is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW THEREFORE I R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby offer a reward of Two hundred dollars for the apprehension and delivery of the said John Dudley to the Sheriff of the County of St. Clair.

In Witness Whereof I have hereto set my hand and caused to be affixed the great Seal of the State of Missouri. Done at the City of Jefferson this twenty fifth day of November in the year of our Lord, one thousand eight hundred and fifty nine, of the Independence of the United States the Eighty fourth, and of the State of Missouri the 39th.

By the Governor  
B. F. MASSEY  
Secy. of State.

R. M. STEWART.

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### CALLING A SPECIAL SESSION OF THE GENERAL ASSEMBLY.

JANUARY 16, 1860

*From the Journal of the Senate, pp. 3-4*

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WHEREAS, The constitution of the State of Missouri, in the last clause of section seven, article four, gives to the Governor authority, on extraordinary occasions, to convene the General Assembly by proclamation, making it his duty to state in such proclamation the purposes for which they are convened; and

WHEREAS, The Twentieth General Assembly of the State of Missouri has, by joint resolution, determined to adjourn *sine die* at this hour, and is virtually, so far as concerns the great interests of the State, now adjourned; and

WHEREAS, Nearly all the important measures discussed by said Assembly have failed of final and effective action; and



WHEREAS, Several of our public interests must suffer almost irreparable injury from longer neglect:

NOW, THEREFORE, I, ROBERT M. STEWART, Governor of the State of Missouri, do, by this proclamation, convene the said Twentieth General Assembly, on Monday, February 27th, 1860.

The purposes of the special session, to commence on the day named, are:

To make the appropriation necessary to liquidate the debts of the Penitentiary, which institution, by reason of the neglect of the Legislature to make an appropriation seasonably, has been dependent, for some months, upon the credit extended to it by citizens; also,

To provide the means for continuing the work of improvement and enclosure of the Capitol Grounds, now suffering great damage from exposure and waste, while there is a large number of convicts that cannot be profitably employed within the prison walls, and should, therefore, be engaged in work to which they are adapted, and which the law-making power has already determined shall be done.

But the still more important and main object of the session is, to make provision for the completion, by the companies to which State aid has been previously granted, of the several railroads in whose financial success the interests of the State are thus already deeply involved. This is important both to our home interests and to our credit abroad, and cannot be further postponed without injury to both.

In Witness Whereof, I have hereunto set my hand and caused to be affixed the great seal of the State of Missouri. Done at the City of Jefferson, this, the sixteenth day of January, A. D.

(SEAL) one thousand eight hundred and sixty, of the Independence of the United States the eighty-fourth, and of the State of Missouri the thirty-ninth.

R. M. STEWART.

By the Governor:

B. F. MASSEY, Secretary of State.

*FIXING DATE FOR ELECTION OF A STATE  
REPRESENTATIVE.*

JANUARY 21, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 422*

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*To the Sheriff of Cape Girardeau County, Greeting:*

WHEREAS a vacancy exists in the office of Representative in the 20th General Assembly from the County of Cape Girardeau of the State of Missouri caused by the death of J. C. Walker.

NOW THEREFORE I, R. M. STEWART Governor of the State of Missouri by virtue of authority in me vested by law hereby direct and command that you give notice according to law of an election, to be held at the several places of voting in said County of Cape Girardeau, on the 15th day of February next for the purpose of electing a Representative, to fill said vacancy, and you are further commanded, to give at least five days notice according to law, and certify to me how you execute this writ,

In Testimony Whereof I have hereto set my hand, caused to be affixed the Great seal of the State of Missouri. Done at the City of Jefferson this 21st day of January one thousand Eight hundred and sixty. Of the independence of the United States the Eighty-fourth and of the State of Missouri the thirty-ninth.

By the Governor

R. M. STEWART

B. F. MASSEY, Secy. of State.

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*FIXING DATE FOR ELECTION OF A STATE  
REPRESENTATIVE.*

JANUARY 24, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 423*

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*The Governor issued the following writ to the Sheriff of Barry County:*

WHEREAS a vacancy exists in the office of Representa-

tive in the 20th General Assembly, from County of Barry, caused by the death of G. W. Hampton.

NOW THEREFORE I, R. M. STEWART Governor of the State of Missouri by virtue of authority in me vested by law, hereby direct and command that you give notice according to law of an election to be held at the several places of voting in said County of Barry on the 15th day of February next ensuing, for the purpose of Electing a Representative to fill said vacancy, and you are further commanded to give at least five days notice according to law, of the time when said election will be held, and certify to me how you execute this writ.

In Testimony Whereof I have hereto set my hand, and caused to be affixed the great seal of the State of Missouri. Done at the City of Jefferson, this 24th day of January A. D. 1860 of the independence of the United States the 84 and of the State of Missouri the 39th.

By the Governor *Signed* R. M. STEWART.  
B. F. MASSEY, Secy. of State.

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### OFFERING A REWARD.

FEBRUARY 24, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 430*

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### EXECUTIVE DEPARTMENT, CITY OF JEFFERSON.

WHEREAS it has been represented to me by the affidavit of James M. Spira, Sheriff of Madison County, that one William Groom, who was upon a charge of felony committed to the common jail of Madison County, did escape from said jail on the night of the 29th day of December 1859, and has fled from justice and is now going at large to the great detriment of the peace, good order and dignity of the State.

NOW THEREFORE, I R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by

law, do hereby offer a reward of Three hundred dollars for the apprehension and delivery of the said, William Groom, to the Sheriff of Madison County.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great seal of the  
(SEAL) State of Missouri. Done at the City of Jefferson this 24th day of February A. D. 1860.

(Signed) R. M. STEWART.

By the Governor

B. F. MASSEY

Secy. of State.

### Description.

The said William Groom is about five feet, eight or nine inches in height, weighs about 140 or 150 pounds, has red hair, red face, and red whiskers, stutters badly, and uses the word *was* when it should not be used.

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### OFFERING A REWARD.

MARCH 20, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 441*

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WHEREAS, it has been represented to me that a murder was committed on the body of one John Ferguson by Louis Deil in the County of Madison in this state; and WHEREAS it is further represented to me that the said Louis Deil has fled from justice, and is now going at large to the great detriment of the Peace, Good order and dignity of the State; NOW THEREFORE I, R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law do hereby offer a reward of Two hundred Dollars for the apprehension and delivery of said Deil to the Sheriff of Madison County.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jeffer-

(SEAL) son this 20th day of March A. D. 1860. Of the Independence of the United States the 84th of the State of Missouri the 39th.

By the Governor

R. M. STEWART.

B. F. MASSEY

Secy. of State.

Description of Deil.

Deil is about 38 years of age, six feet two inches high, black hair and eyes.

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*FIXING DATE FOR ELECTION OF A JUDGE OF  
THE TWELFTH JUDICIAL CIRCUIT.*

JUNE 29, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 461*

*To the Sheriff of Platte County:*

WHEREAS a vacancy exists in the office of Judge of the Twelfth Judicial Circuit, caused by the resignation of Hon. E. A. Norton.

NOW THEREFORE I R. M. STEWART Governor of the State of Missouri by virtue of authority in me vested by law do hereby direct and command that you give notice according to law, that an election will be held at the several places of voting in said county of Platte on the first Monday in August next for the purpose of electing a Judge to fill said vacancy, And you are further commanded to give at least five [days] notice of the time and place of holding said election and also certify to me how you execute this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this 29th day of June 1860 of the Independence of the United States the eighty-fourth and of the State of Missouri the 39th.

By the Governor

R. M. STEWART.

B. F. MASSEY, Secy. of State.

*FIXING DATE FOR ELECTION OF A UNITED  
STATES REPRESENTATIVE.*

JUNE 29, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 461*

*To the Sheriff of St. Louis County, Greeting.*

WHEREAS a vacancy exists in the office of Representative in the 36th Congress of the United States caused by the resignation of Hon. F. P. Blair Jr.

NOW THEREFORE I R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law hereby direct and command that you give notice that an election will be held in the City & County of St. Louis on Monday the 6th day of August next, in the City and County of St. Louis at the several places of holding elections therein, for the election of a Representative to fill said vacancy, and that you give at least five notice according to law of the holding of said election and you are further commanded to certify to me how you execute this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the office of Secretary of State, in the City of Jefferson this 29th day of June A. D. one thousand eight hundred and Sixty, of the Independence of the United States the Eighty-fourth and of the State of Missouri, the Thirty-ninth.

By the Governor

R. M. STEWART.

B. F. MASSEY, Secy. of State.

*FIXING DATE FOR ELECTION OF A STATE  
REPRESENTATIVE.*

OCTOBER 18, 1860

*From the Register of Civil Proceedings, 1852-1860, p. 479*

*To the Sheriff of Ralls County, Greeting:*

WHEREAS a vacancy exists in the Office of Representative in the twenty-first General Assembly of the State

of Missouri, caused by the death of Wm. P. Samuel of Ralls County—

NOW THEREFORE I, R. M. STEWART, Governor of the State of Missouri, by virtue of authority in me vested by law, hereby direct and command that you give notice according to Law of an election to be held at the several places of voting in said County of Ralls on Monday the Sixth of November next, for the purpose of electing a Representative to fill said vacancy and you are further commanded to give at least five days notice according to Law, and certify to me how you execute this writ.

In Testimony Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri, Done at the City of Jefferson this 18th day of October in the year of our Lord A. D. 1860, of the Independence of the United States the eighty-fifth and of the State of Missouri the fortieth.

By the Governor

R. M. STEWART.

B. F. MASSEY, Secy. of State.

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### OFFERING A REWARD.

NOVEMBER 19, 1860

*From the Register of Civil Proceedings, 1860-1861, p. 5*

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WHEREAS it has been represented to me that on or about the 5th day of October A. D. 1860 one James May of the County of Pettis in this State, committed a cold blooded and wilfull murder upon the body of Melvin Wright a peaceable and unoffending citizen of said County—and WHEREAS it is further represented to me that said May has fled from justice and is now going at large, to the great detriment of the peace, good order and dignity of the State. NOW THEREFORE I R. M. STEWART Governor of the State of Missouri, by virtue of authority in me vested by law do

hereby offer a reward of Two hundred and fifty dollars, for the apprehension and delivery of the said James May to the Sheriff of Pettis County.

In Witness Whereof I have hereto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this Nineteenth day of November A. D. one thousand Eight hundred and Sixty of the Independence of the United States the Eighty fifth, of the State of Missouri the Fortieth.

By the Governor

R. M. STEWART.

B. F. MASSEY, Secy of State.

A similar reward was offered for one John L. Thomas of Shannon County, for the murder of Loyd R. Depreist of Said County on the 2nd day of February A. D. 1860.

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ON THE CHARTER OF THE PLATTE COUNTY  
RAILROAD COMPANY.

DECEMBER 31, 1860

*From the Register of Civil Proceedings, 1860-1861, p. 24*

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*To all whom these presents shall come—Greeting:*

Know ye that I, R. M. STEWART, Governor of the State of Missouri by virtue of authority in me vested by the Constitution and Laws of said State and for divers good and sufficient reasons, me thereunto specially moving, do by these presents remit the forfeiture of its Charter incurred by the Platte County Rail Road Company (a corporation incorporated under the Laws and doing business in the limits of said State) on account of having passed and received within the limits of said State Bank Notes of less denomination than Five Dollars, contrary to the provisions of an act, of the General Assembly of the State of Missouri entitled "An act to prevent illegal Banking and the cir-



ulation of depreciated paper currency within this State approved Dec. 8th 1855.

In Testimony Whereof I have hereunto set my hand and caused the Great Seal to be affixed and have hereto signed my name. Done at the City of Jefferson this Thirty first day of December 1860 of the Independence of the United States the Eighty fifth of the State of Missouri the fortieth.

By the Governor

ROBERT M. STEWART.

B. F. MASSEY, Secretary of State.

A similar remittance was made to the Quincy and Palmyra Rail Road Company this day Dec 31st 1860.

## MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

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OCTOBER 16, 1858

*From the Register of Civil Proceedings, 1852-1860, p. 303*

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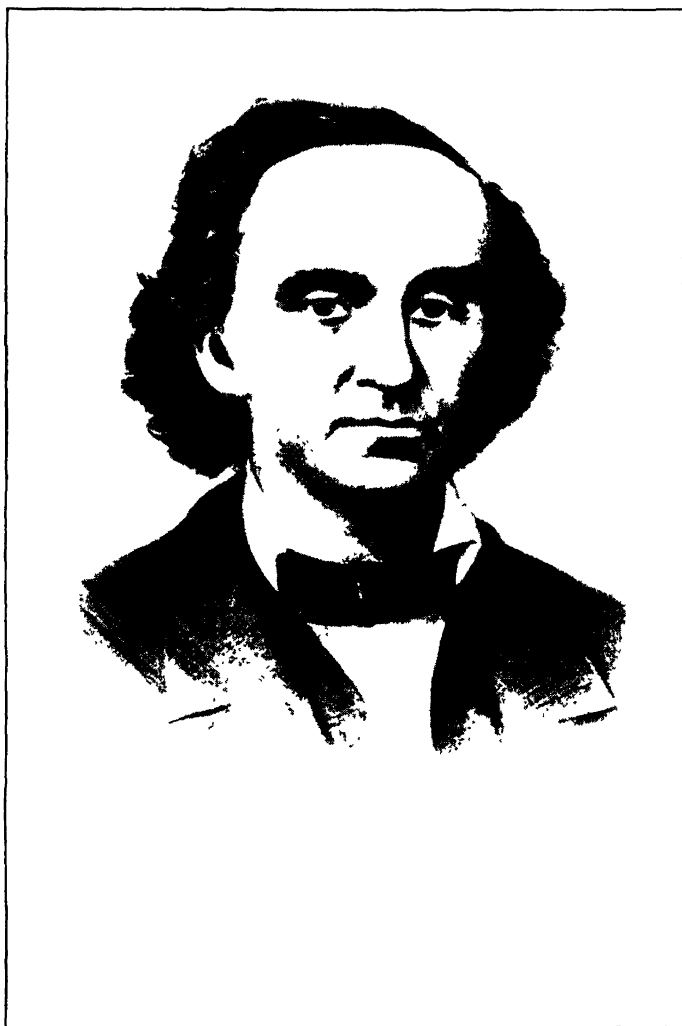
A Proclamation similar to the above [see Proclamations Oct. 16, 1858] was issued by the Governor offering a reward of Two hundred dollars for the apprehension and delivery to the Sheriff of Lawrence county Missouri of One Arthur Blankenship, who escaped from the jail of said county on the 11th of September last, where he was confined awaiting his trial on an indictment for murder in the 1st degree—Description: Blankenship is about 30 yrs. old; fair red complexion; light hair; broad chin; long face; large blue eyes with a peculiar look; has an impediment in his speech, but speaks very positively; when he laughs his chin forms a marked wrinkle; is 5 feet 8 or 9 inches high; stout, well formed and weighs about 175 pounds.

Also a proclamation for the Delivery to the Sheriff of Pulaski county of Jno. Mathews and Lewis M. Cowell, two prisoners who escaped from the jail of said county, where they were confined, the former for murder, and the latter for incestious intercourse with his own daughter. They escaped on the night of the 12th of September last, The Reward offered is Two hundred dollars for each or either of them. Description—Mathews is about 5 ft. 2 in. high,—black hair and eyes—shows a good set of teeth in conversation—is about 22 years old—dark skined—spare made and is a native of Portugal. Cowell is about 45 years old,—5 ft. 6 in. high, heavy set, bald head,—dark skin—blear eyed and has a scar on his breast made by pistol shot.



**GOVERNOR CLAIBORNE FOX JACKSON**





CLAIBORNE FOX JACKSON  
Governor 1861



## CLAIBORNE FOX JACKSON

BY

JONAS VILES

Claiborne Fox Jackson was born near Flemingsburg, Fleming county, Kentucky, on April 4, 1806. One of the ten children of a pioneer farmer, his formal schooling was very limited. Before he was twenty, Jackson emigrated to Old Franklin, Howard county, Missouri, the second town in importance in the State. Here he served first as a clerk and later as a partner in a general store. When Old Franklin was washed away by the Missouri he moved across the river to Arrow Rock in Saline county, where he kept a store until 1836. Here he was associated with his father-in-law, Dr. John Sappington, a pioneer physician, land owner and politician, whose three daughters, Jackson successively married.

Thus when in 1836 Jackson sold his business and went into politics, he had wide business and family connections in the central group of counties which was coming to dominate the Democratic party in Missouri. He was elected from Saline county to the General Assembly in 1836, where he was unusually active for a new member. In particular he vigorously opposed the chartering of the state bank of Missouri, but was influential in locating its branch at Fayette in Howard county, and was at once appointed its cashier, serving for four years.

In 1842 Jackson returned to active political life and to the Assembly as member from Howard county. He came back into politics in the midst of the first serious resistance to Benton within the Democratic party, an opposition to Benton's extreme hard money views and to the dominance of the "Central Clique" rather than to Benton personally. Jackson, an extreme hard money man thruout his career and an influential member of the Clique, was of course an



active supporter of Benton. He was re-elected to the House in 1844 and chosen Speaker, and in 1846 re-elected Speaker almost without opposition. Jackson was also a leading member of the Constitutional Convention of 1845, where he served as chairman of the committee on Banks and Corporations. He was unsuccessful in his attempt to abolish the state bank, but secured very stringent regulation of note issues and the several liability of stockholders in corporations.

Between 1846 and 1849 the "Central Clique," and Jackson with them, and the majority of the Democratic politicians in Missouri turned against Benton, influenced by his stand on the question of slavery in the territories, by his open break with Polk and the party leaders at Washington, and by his unwillingness to admit the younger men to influence in Missouri politics. Jackson himself had been seeking advancement in vain. In 1846 he was one of the unsuccessful contestants for the Democratic nomination for Congress, in a convention which on the sixtieth ballot nominated James S. Green, in 1849, perhaps the ablest anti-Benton leader. In 1848 Jackson was beaten on the twentieth ballot for the nomination for governor, and beaten by a rather colorless candidate who seems to have had Benton's backing. A few months later Jackson was in open revolt.

His opportunity came in the next session of the Assembly, to which he returned as senator in 1848, serving as chairman of the committee on ways and means. At the end of the session he presented as a minority report from the committee on federal relations the famous "Jackson Resolutions" whose passage by the Assembly was the immediate occasion for Benton's downfall. These resolutions stated Missouri's stand on the territorial questions and were to serve as instructions to her senators. While very distinctly southern in tone they were not extreme, considering the excitement of the time, and stated that Missouri would continue to accept the extension of the Missouri Compromise line. Benton however repudiated the res-

olutions at Washington and returned to Missouri to appeal to the people. He denounced the resolutions as an attempt of the democratic leaders to oust him from office—which was almost certainly true—and as directly inspired by Calhoun and pledging Missouri to secession—which almost as certainly was untrue. The result was a fairly even division of the Democratic organization and the election of a Whig as Benton's successor.

This disruption of the Democratic party was for a time ruinous to Jackson. The central counties had a strong Whig minority which for some years had little difficulty in defeating the divided opposition. Jackson did not attempt a re-election to the state senate in 1852, and only with difficulty won a seat in the lower house. In 1853 he was beaten as the anti-Benton candidate for Congress, in a district which it was openly charged had been created to ensure his success. On the death of his father-in-law he returned to Saline county and in 1856 was again defeated for Congress from that district. In 1857 he was appointed State Bank Commissioner, serving until 1860.

Benton in 1856 had been decisively and finally beaten and party discipline by 1860 had been restored. No one, save perhaps Senator D. R. Atchison, had made greater sacrifices than Jackson in the anti-Benton revolt. The Democratic convention in 1860 accordingly responded to the widespread sentiment that it was now Jackson's turn, and nominated him for governor. It was a tumultuous and disorderly body, badly divided on state and national issues. Under the influence of Senator Green it adopted a radically anti-Douglas state platform, then absolutely refused to go on record as to presidential candidates and selected nine avowed supporters of Douglas on Missouri's delegation of eighteen to the Charleston Convention. At Charleston the chairman of the delegation, tho an active opponent of Douglas, refused to bolt, and held all but two of his delegates in line at Baltimore, where he made the motion which gave Douglas what claim he had to the regular democratic nomination. But the federal office holders in

Missouri, the two United States senators and several Congressmen at once declared for Breckenridge. Thus the nemesis of party discord which had thwarted Jackson's ambitions since 1852 threatened to defeat him again.

Jackson meanwhile, who had been originally an anti-Douglas man, had been stumping the state for the state ticket and studiously avoiding committing himself to either Douglas or Breckenridge. But late in June after an open ultimatum from the uncompromising Breckenridge men, and, according to persistent rumors, an equally downright tho secret demand from the Douglas supporters and the powerful *Missouri Republican*, Jackson announced himself for Douglas as the regular nominee of the party. The more ardent Breckenridge men at once put a separate state ticket in the field, but after some hesitation Senator Green, whose reelection depended on party unity, and the more influential Breckenridge leaders refused to support this insurgent ticket. They urged their followers to vote for Jackson as the party candidate for governor in August and for Breckenridge for president in November. Thus the bulk of the party was held together for the state election on the pleas of party regularity and party loyalty—pleas extremely effective when the memory of the disastrous results of the Benton feud were so recent; Jackson was elected governor.

This temporary and superficial union weakened rapidly after the control of the state government was assured. Jackson himself was still profoundly interested in party unity, for on it depended the success of his administration. He strove for division of Missouri's electoral vote or some formal agreement between the two democratic state committees and attended in person a Breckenridge state convention, where he reaffirmed his preference for the Breckenridge platform. But in response to an indignant demand from the Douglas leaders he promptly reaffirmed his pledge to support Douglas as the regular candidate. Jackson was becoming profoundly distrusted by the more earnest Douglas supporters and was on excellent terms with the Breckenridge group. But he had been frank and consistent in his

position thruout the two campaigns and as Douglas secured a plurality of 429 over Bell it is difficult to charge him with double dealing.

The election of Lincoln ended the discord as to presidential candidates and the secession of South Carolina undoubtedly drew together the majority of the Democratic leaders. The Assembly, elected in August, was nominally not unequally divided between Douglas and Breckenridge Democrats and Bell-Everett men; but the August classification was of doubtful significance in January. In the House the two Democratic groups united to elect a Breckenridge man Speaker; the aggressive leadership in both houses was emphatically pro-Southern. Jackson in his inaugural message definitely aligned himself with this group and very accurately set forth the views of this pro-southern majority in the party organization and in the Assembly.

This inaugural message contained no call for the immediate secession of Missouri. In fact it did not contain any considerable justification of secession as a peaceful constitutional right. Jackson, like the great majority of the strongly pro-southern group in the later Convention, based his arguments on the right of revolution and resistance to a tyrannical sectional majority. He urged deliberation and earnest attempts at compromise—tho his confidence in successful compromise was obviously slight. But the heart of the message was his plain statement that Missouri as a slave state must necessarily align herself with the lower South, in presenting a united ultimatum to the North, or absolutely, if the old Union were dissolved peaceably or thru civil war. Jackson's specific recommendations to the Assembly were two; to call a convention and to re-organize the militia—i. e., to put the state on a war footing.

The Assembly quickly agreed to the calling of the convention, tho the conservatives were successful in their insistence that no ordinance of secession should be valid without a popular vote. But there the Assembly stopped; Jackson's militia bills, so essential to the success of his policy, were held up and even the election of a United States Senator

postponed. The Assembly insisted on awaiting the election of the Convention. The existence of a more conservative sentiment in the state had already been clearly shown by the large Bell-Everett vote in November and the numerous non-partisan "Union" county mass meetings in November and December. When the calling of the Convention brought home the full seriousness of the crisis, this sentiment was rapidly crystallized and swept the state in the election of the Convention on February eighteenth. Vest, one of the most fiery of the pro-Southern group in the Assembly, estimated that his party had been beaten by 80,000 votes. The Assembly responded to his expression of public opinion by adjourning in March after definitely refusing to pass the militia bills and defeating Green for reelection to the United States Senate because of his too radically southern principles.

Of the ninety-nine members of the Convention not one was in favor of immediate secession (nor was Jackson), but not more than a quarter supported his policy of a clear statement that Missouri would go South in case the Union were dissolved. Jackson's inaugural represented the views of a majority of the Democratic political leaders but hardly of the rank and file and certainly not those of a majority of the people. The Convention adjourned subject to call after adopting resolutions pledging Missouri's support to any workable compromise, preferably the Crittenden plan, after refusing to pledge the state in any way to secession, and after making the most earnest plea to both North and South to avoid Civil War. But the majority were by no means uncompromising in their unionism and were bitterly opposed to "coercion;" they were very correctly called "Conditional Union" men. Already many were inclining toward a policy of neutrality in case of civil war.

While the refusal of the Convention to issue an ultimatum to the North and the failure of the Assembly to put the state on a war footing temporarily tied Jackson's hands, he did not give up. Even neutrality would imply military ability to maintain it; open resistance to the Federal Government to maintain neutrality would lead inevitably to

union with the Confederacy. Jackson accordingly bent all his energy toward arming the state, or rather toward creating a state militia devoted to his ultimate purposes. But actual arms—muskets and ammunition—were quite as essential as legislation providing the man power; the only considerable supply of arms in the state was in the United States Arsenal at St. Louis. St. Louis, too, was the stronghold of Frank P. Blair and the Unconditional Union men, the only group in the state pledged to the preservation of the Union by force.

The struggle between Blair and Jackson for the control of the Arsenal and the city was the third strand in this tangled skein. The contest began early in January; until May it was largely below the surface, and to this day opinion is divided in Missouri both as to the facts and the actual purposes of the contestants. By the middle of January Jackson seems to have reached a secret working agreement with the commandant of the Arsenal for the surrender of the arms to the state authorities on demand, but Blair had sufficient influence at Washington to place Captain Nathaniel Lyon, an uncompromising Union man, in control of the Arsenal. The Republican marching clubs of the Presidential campaign were drilling diligently and the radical Southern sympathizers organizing as Minute Men, both with their eyes on the arms. The Assembly, in response to Jackson's message of February sixteenth, transferred the control of the police of St. Louis to a state commission, and in the municipal election of April the conservative reaction ousted the unconditional unionists and put in office a conditional unionist administration. Thus the control of the city and of the Arsenal was still in the balance when the firing on Fort Sumpter forced a decision.

Now for the first time since the election of the Convention Jackson seemed to have a real chance for success. Public opinion in Missouri very generally endorsed his indignant and forcible refusal to obey Lincoln's call for troops and his defiance of this policy of "coercion." Jackson reassembled the Legislature to reorganize the militia

and "place the State in a proper attitude of defence." His message to the Assembly on May 3 did not differ materially from his inaugural, except for the natural emphasis on the illegality and folly of attempting the "coercion" of the seceding states. Missouri must arm herself to repel attack from any source. In moderation and in tone the message was clearly a bid for the support of the advocates of neutrality. But the tremendous excitement occasioned by Fort Sumpter had already largely died down, and the Assembly still hesitated. The impossible policy of a peaceful neutrality steadily gained strength.

Events at St. Louis precipitated the crisis. Blair at last had persuaded Lincoln to arm his military organizations from the arsenal and to muster them into the Federal service as Missouri's quota. The remainder of the arms were shipped to Illinois and Jackson had lost the struggle for the Arsenal. But St. Louis remained the headquarters of the unconditional unionists and Blair's regiments the only armed force in the state capable of resisting secession. To hold them in check and to provide a nucleus for a state army, Jackson established under the old law a militia training camp on the outskirts of St. Louis. Here were received the munitions which Jackson had obtained from the Confederate government when he was planning an attack on the Arsenal. Lyon, temporarily in command at St. Louis, with the advice and support of Blair, surrounded on May tenth this Camp Jackson with his troops, disarmed the militia and broke up the camp. On the return to the city there was an unfortunate collision between the troops and the crowd, in which several of the bystanders were killed. The effect on the Assembly was electrical. When the news of the attack on Camp Jackson, with exaggerated reports of the "massacre," reached Jefferson City, in fifteen minutes the Assembly passed the militia bills, and later that night, on the rumor that Lyon was marching on Jefferson City, the governor was invested with dictatorial powers. Jackson at last had won, but too late.

The new state militia was as yet a paper organization;

there was no supply of arms with which to equip it. General Harney, who had resumed the command in St. Louis, denounced the militia law as secession in disguise and prepared to resist it by force. On the other hand this attack on a legally organized camp of the state militia caused more widespread indignation than the firing on Fort Sumpter. Many of the leaders of the conditional union men and of the advocates of neutrality rallied to the support of Jackson and the state government. Sterling Price, president of the Convention, accepted the command of the new militia and volunteers poured into Jefferson City. But before the civil war in the state began there were two last attempts at compromise. Price and Harney reached an agreement on May 21st by which Harney agreed to make no military movements in the state if Jackson and Price would maintain law and order and protect union men. The administration at Washington promptly disavowed the agreement and placed Lyon in command. Finally Governor Jackson himself came to St. Louis to meet Lyon. The state was in the utmost confusion, life and property were insecure and outrages by both sides increasingly common. Outside of St. Louis the strongest power was this undrilled and ill equipped state militia, which was in no condition to resist the Union forces in St. Louis and the surrounding states. To gain time Jackson, in a long interview, urged Lyon to observe the neutrality of Missouri, even offering to disband the militia, but Lyon absolutely refused.

As Lyon said at the close of the interview, "This means war." The next day, June 12th, Jackson issued his message to the people of Missouri, calling for 50,000 volunteers to defend the autonomy of the state, tho still recognizing that the Convention must decide the question of secession. On the fifteenth Lyon occupied Jefferson City. Jackson, most of the state officials and Price withdrew precipitately to the southwestern corner of the state to organize the volunteers and to get in touch with the Confederate forces in Arkansas.

A belief that the Convention would now be ready to vote for secession was one reason for Jackson's attempt to



postpone open war. But when the Convention reassembled in Jefferson City in July, it nullified the militia law, vacated the offices of Governor, Lieutenant Governor, Secretary of State and of the Assembly, appointed Hamilton R. Gamble provisional governor and called a state election in November. Gamble was an old line Whig who, thru the support of the Federal troops and his own extremely conciliatory policy, won at least the acquiescence of a majority of Missourians and provided a loyal state government.

While hundreds of volunteers who had responded to Jackson's proclamation of June twelfth had volunteered to fight for Missouri rather than for the Confederacy, the remorseless logic of events soon forced all into a support of the Confederacy. But Missouri had never seceded and the Confederate government was loth to order troops into the state. Only with the greatest difficulty did Price and Jackson secure the aid of troops from Arkansas in the repulse of Lyon at Wilson's Creek on August tenth. It was to overcome these scruples against the invasion of a state still in the Union that Jackson issued his proclamation of August fifth, declaring Missouri a free republic, with all ties with the Union dissolved. Even under the dictatorial powers granted the governor after Camp Jackson, such action was highly irregular and naturally was not accepted at Richmond as justifying the admission of Missouri to the Confederacy. Jackson accordingly, at the height of Price's successful advance to the Missouri river, summoned the old Assembly to meet. Less than a quorum of either house responded in November, but they passed a formal ordinance of secession and appointed Senators and Representatives to the Confederate Congress. The Richmond government accepted this action as sufficient warrant for the admission of Missouri to the Confederacy.

At last Jackson had realized his program of the previous January. A State army had been created and by this formal act of the Assembly, Missouri had joined the South. But in the winter of 1861-62 Jackson and Price were driven out

of Missouri and the Confederate forces so thoroly beaten at Pea Ridge that it was two years before an organized Confederate force reappeared in Missouri. Jackson's race was run. He died near Little Rock on December 6, 1862.

## INAUGURAL ADDRESS

JANUARY 3, 1861

*From the Journal of the Senate, pp. 46-54*

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*Gentlemen of the Senate, and of the House of Representatives:*

Assuming in your presence the office of Chief Executive Magistrate of the State, at a period when our whole country is in a condition of gloomy apprehension, I enter upon the discharge of the trust with which the people of Missouri have honored me, with deep convictions of its responsibility. Invoking the aid of that Almighty Being who has hitherto conducted us through perils of no ordinary kind, I can only promise to bring to the post assigned to me an honest devotion to my State, the Constitution of the United States, and to that Union which the Constitution was designed to perpetuate. My chief dependence, in hoping to accomplish anything promotive of the prosperity and security of the State, and contributory to an honorable, peaceful and satisfactory adjustment of our Federal relations, is upon the Representatives of the people, whom I meet here to-day. You, gentlemen, are here to pronounce the will of the people of Missouri; and it will be my pleasure, as it is my duty, to cooperate with you in the preparation and execution of such measures as will, in your judgment, advance the interest and sustain the honor of our State.

No man, who has observed the progress of events for many years past, could fail to perceive the approach of the crisis which is now upon us. Events have been tending in this direction, steadily but perceptibly; and if the present alarming disorganization of the government and dangerous division of the people are unexpected, it must be because the observer has labored under a lamentable misunderstanding of the nature of our government, and a fatal misconception of the character of our people. Upon questions of policy or expediency, no nation has exhibited a readier

disposition to acquiesce in the expressed will of popular majorities than have the American people, in every stage of their progress; but they are jealous of their constitutional rights, and prompt to insist on their maintenance and preservation. They know full well that "the price of liberty is eternal vigilance;" and that to wait, with quiet submission, the insidious approaches of sectional despotism, when concealed under the forms of constitutional majorities, is to deprive themselves of all power of effectual resistance. They have not forgotten the lessons taught by their revolutionary ancestors, and are perfectly aware that the most odious and fatal absolutism is that which assumes the form of legitimate authority.

It is now forty years since the *Missouri question*, which startled the apprehension of one of our wisest statesmen, sounding in his ears as a "fire bell in the night," was finally disposed of. Fifteen years after the adjustment of this controversy, under the instigation of emissaries from the headquarters of fanaticism in London, the slavery question was revived. The faction under whose auspices it started was contemptible in numbers and power and isolated in position, seeking shelter for the propagation of its dogmas under the constitutional "*right of petition*," and agitating Congress and the country under this perverted pretext. Acquiring strength from the countenance it received from a few prominent politicians, who were willing to sacrifice the permanent interests of their country for their own temporary aggrandizement, alliances were gradually formed with some one or other of the political parties which divided the country, until a foothold was gained in the Federal Legislature. *There* we find it, first, resisting supplies to maintain the patriotic soldiers who, at the call of their country, were sustaining our flag on the plains of Mexico; then, controlling the disposition of our entire acquisitions on the Pacific, the fruits of that war, and appropriating that strip of country, south as well as north of the Missouri Compromise Line, to increase the strength of the predominating section; then, encouraging the colonization of Kansas, by State govern-

mental intervention and Emigrant Aid Societies, against the spirit of the compromise upon which the Territorial bill was based; and finally, attaining its culmination in elevating to the head of the Federal Government the nominee and representative of the party.

I will not speak of the incidental outrages which have been perpetrated in the name of this party, by those whose powers of invention and vigor of execution have been drawn from a study of the precepts which their leaders have propagated and defended. The dissemination of incendiary pamphlets—the rescue of fugitive slaves—and the unparalleled atrocity of the Virginia invasion, are disclaimed as legitimate results of their leading political dogmas, and may only be attributed to them upon the principle that “he who sows the wind must reap the whirlwind.”

But the prominent characteristic of this party, which pronounces its condemnation in the estimation of those who love their country, is, that it is purely sectional in its locality and its principles. The only principle inscribed upon its banner is hostility to slavery. Whatever adjuncts may have been drawn to it, from political or religious associations, the soul of the organization is now, where it was at the beginning, *hostility to slavery*. Its object has been openly avowed or disavowed as time, place and circumstances rendered expedient—not merely to confine slavery within its present limits—not merely to exclude it from the Territories, and prevent the formation and admission of any new slaveholding States—not merely to abolish it in the District of Columbia, and interdict its passage from one State to another; but to strike down its existence everywhere—to sap its foundation in public sentiment—to annoy and harass, and gradually destroy its vitality, by every means, direct or indirect, physical and moral, which human ingenuity could devise. The triumph of such an organization is not the victory of a political party, but the domination of a section. It proclaims in significant tones the destruction of that equality among the States which is the vital cement of our Federal Union. It places fifteen of the thirty-three

States in the position of humble recipients of the bounty, or sullen submissionists to the power of a government which they had no voice in creating, and in whose councils they do not participate.

It cannot, then, be a matter of surprise to any—victor or vanquished—that these fifteen States, with a pecuniary interest at stake reaching the enormous sum of at least three thousand five hundred millions of dollars, should be aroused and excited at the advent of such a party to power. Their possession of the Federal Executive Department, destined soon to be followed, in the event of a silent acquiescence of the minority, by similar accessions, to the control of all the other departments of the government, is an event not likely to be overlooked by men who understand their rights, and have not yet been deprived of the power of maintaining them. Would it not rather be an instance of blindness and fatuity unprecedented, if the people and governments of the fifteen slaveholding States, under such circumstances, manifested a quiet indifference, and made no effort to avoid the destruction which threatened them? Is there nothing alarming in the fact that the whole power of the Federal Executive is pledged in advance for the subversion of the constitutional rights of nearly one-half of the Republic? History furnishes no example, nor can present observation point to the instance of any government on the face of the earth, whether created by the voice of the people or by the accident of hereditary succession, maintaining itself for any length of time with an administrative system hostile to the rights, the interests, the feelings and domestic quiet of nearly one-half of the nation, and that part distinguished by peculiarities of social organization and separated from the other by a geographical line. Are we to expect official appointees of the Federal Government to be opposed to the policy of the power which appoints them, and by which they are nurtured and sustained? Can the minority States, then, who have not contributed a single electoral vote to the elevation of the party to power who must soon control that government, look with unconcern

upon the transplantation into their midst of thousands of Federal officeholders, exerting their influence, and the influence of their position, to break down the established social system of these States? Are these apprehensions diminished in the border States of the South and South-West, where a nucleus for accessions to abolitionism already exists, when the allurements of official station are to be the premium for treachery to their social and domestic policy? Such a condition of things is incompatible with the stability of any government, unless invested with the power and the will to sustain itself by the sword. It requires no extraordinary sensibility to injustice—no peculiar foresight to approaching danger—to be aroused at the approach of perils so apparent that the instinct of self-preservation, alone, is sufficient to warn against permitting their further advance.

Accordingly, we find the result of the recent Presidential election has already produced its natural effects. Throughout the entire slaveholding States of the Union, from Florida to Missouri, a feeling of discontent and alarm has manifested itself, more or less violent from the imminence of the danger, and the extent of the interest at stake. The cotton-growing States of the South, having a larger and more vital interest in jeopardy than the border States, are the first to awaken to a sense of insecurity. The sagacious Southern statesman is fully aware that his section, although necessarily the last victim, will be the greatest sufferer; that when the outposts yield, the citadel will not long afford safety. With them, the alternative is the maintenance of that institution which the Crown of Great Britain forced upon their ancestors, or the conversion of their homes into desert wastes. With them, it is not a mere question of property, but what to them is dearer than property or life—their duty and honor are involved.

It has been said to be quite easy to bear the calamities of our neighbors with philosophical equanimity. Let us not illustrate this maxim by criticising the precipitancy of the South. They are not the aggressors. They only ask to be let alone. If some have regarded their action as

hasty, has not the occasion been extraordinary? I do not stand here to justify or condemn the action of South Carolina, who has already withdrawn her allegiance to the Federal Government. She is a gallant State, and will not forfeit that renown which a long list of distinguished dead has conferred on her history. When she unrolls that list—when she points to her Marions and Sumpters and Jaspers and Moultries and Laurenses and M'Donalds—her Pinckneys and Rutledges and Middletons—her Lowndes and Chevises and McDuffies and Hamiltons—her Haynes and Legares and Prestons and Butlers—and to that pre-eminent statesmen who divided the public esteem with Webster and Clay—her sister States, blessed with larger and more fertile territory, may well covet the glory of having given birth to such citizens, and may, at least, safely leave the honor of the State in the hands of their descendants. If South Carolina has acted in advance, let not her error lead to the more fatal one of an attempt at coercion.

The destiny of the slaveholding States of this Union is one and the same. So long as a State continues to maintain slavery within her limits, it is impossible to separate her fate from that of her sister States who have the same social organization. This decree of nature and necessity impresses itself upon the understanding without the aids of argument of illustration, and will not lose its force by any mutations to which our Federal Government may be subjected. In the event of a failure to reconcile the conflicting interests which now threaten the disruption of the existing Union, interest and sympathy alike combine to unite the fortunes of all the slaveholding States. The identity, rather than the similarity, of their domestic institutions—their political principles and party usages—their common origin, pursuits, tastes, manners and customs—their territorial contiguity and intercommercial relations—all contribute to bind together in one brotherhood the States of the South and South-West. Missouri will not be found to shrink from the duty which her position upon the border imposes; her honor, her interests, and her sympathies point alike in one direction,



and determine her *to stand by the South*. The products of our agriculture and manufactures find their principal market there;—our hemp, wheat, corn and flour, our horses, hogs and mules, and the manufactures already springing into existence and destined to augment the wealth and give stability to the prosperity of our commercial metropolis, must all go South for a market. Our only outlet to the ocean, through the natural channels of our great rivers, is through the South.

The estimated value of slave property now within the limits of our State falls but little, if any, short of one hundred millions of dollars. Notwithstanding the active operations and assiduous exertions of a few anti-slavery propagandists, during the past ten years, and the number of slaves which high prices for cotton have drawn to the South, the increase in that portion of our population, as shown by the recent census, has been forty thousand. Are we prepared to annihilate a hundred millions of capital? or can we maintain a solitary, isolated position, as a slaveholding State, shut out from all access to the ocean, and flanked on either side by States who, in such a contingency, would look upon us with either hostility or distrust?

Propositions, looking to a number of new mixed Confederacies, are merely a reproof upon the dissolution of the present. If we can safely go into a new Union of a mixed character, why not remain in the present?

In considering the course proper to be pursued by this State, upon a contingency which events may yet render unnecessary, it is by no means unimportant to observe that any disposition evinced by Missouri, or any other large border slave State, to throw her weight into a non-slaveholding Republic, would close up all prospect of a reconciliation of present differences. The equilibrium of power between the slaveholding and non-slaveholding States is already gone. The weight of Kentucky or Missouri, thrown into the scale with the non-slaveholding States, increases the preponderance of the North, and drives the South to an adherence to a separate Southern Confederacy. The cotton-

growing States would then understand that the States on their border are prepared to submit to every aggression tending to affect slavery, and that in time they would only increase the number of States hostile to that institution. Missouri, then, in my opinion, will best consult her own interest, and the interest of the whole country, by a timely declaration of her determination to stand by her sister slaveholding States, in whose wrongs she participates, and with whose institutions and people she sympathizes.

These views are advanced, gentlemen, not upon a belief that all hope for the preservation of the present Union is lost, but upon a conviction, I believe, felt by all observers of passing events, that the time has arrived when a further postponement of their consideration would be unsafe and unwise. The issue of present embarrassments depends entirely upon the sentiment and action of the North. I trust there is patriotism left in our country sufficient to harmonize the conflicting views now in agitation, and place the existing Union on a basis consistent with the honor and safety of its constituent members. So far as Missouri is concerned, I do not fear to misrepresent the sentiments of her citizens by saying that they have ever been devoted to the Union, and will remain in it, so long as there is any hope of its maintaining the spirit and guaranties of the Constitution. But if the Northern States have determined on putting the slaveholding States on a footing of *inequality*, by interdicting them from all share in the Territories acquired by the common blood and treasure of all—if they have resolved to admit no more slaveholding States into the Union, contrary to the plain letter of the Constitution—if they mean to persist in nullifying that provision of the Constitution which secures to the slaveholder his property, when found within the limits of States which do not recognize it, or have abolished it—they have themselves practically abandoned the Union, and will not expect our submission to a government on terms of inequality and subordination.

We hear it suggested, in some quarters, that the Union is to be maintained by the sword. Such suggestions, it is

to be hoped have sprung from momentary impulse, and not from cool reflection. The project of maintaining the Federal Government by force may lead to consolidation or despotism, but not to Union. Desperate politicians may hope to mend their fortunes by a civil war, and some men of honest intentions may fancy that the examples which history furnishes of successful usurpations of power, effected by the sword, may be safely imitated here. But our government stands upon the basis of *justice and equality*, and its existence cannot be prolonged by coercion. Standing armies of mercenary soldiers, subject to the will of the Executive, are not the remedies for violated constitutions or laws. Our British ancestors, in the worst times of their worst monarchs, would not submit to standing armies in time of peace; nor have their descendants so degenerated as to entrust to any Executive a mercenary army to be employed in enforcing obedience to an administration which has declared its hostility to an institution involving the rights and "domestic tranquility" of fifteen sovereign States of the Union. The first drop of blood shed in a war of aggression upon a sovereign State will arouse a spirit which must result in the overthrow of our entire Federal system, and which this generation will never see quelled.

As the ultimate fate of all the slaveholding States is, in my judgment, necessarily the same, their determination and action, in the present crisis, should be the result of a general consultation. To produce united action, there must be united counsel; and as the wrong is common to all, the redress for the wrong should be submitted to the consideration and judgment of all. It may not become me, therefore, to suggest what ought to be the *ultimatum* to be insisted upon by the slaveholding States. Candor compels me to say, however, that a mere Congressional Compromise is not to be thought of, and will only postpone and aggravate the evil, and will utterly fail to reach the disease. Experience shows too well, that these compromises only lay the foundation for additional agitation. They are but laws, and, like all other laws liable to be repealed; and their dura-

tion depends altogether upon the fluctuations of public opinion, operating through the representatives of that opinion at Washington. The object of constitutional guaranties is to protect the rights of minorities; and it is to such guaranties, and not to legislative compromises, that the South must look for protection and security.

These questions must now be settled, and the powers and duties of the Federal Government, in connection with the existence of slavery in the States and Territories, put forever at rest. It is the interest of the whole country that these causes of dissension and irritation should be removed. Neither section has any right to expect a restoration of that harmonious co-operation in the advancement of the general welfare which characterized the early stages of our national existence by postponing or evading a full, frank and explicit understanding upon this subject. Its agitation hitherto has only served to inflame the public mind, to arouse all the angry passions, and keep the nation in a perpetual ferment; and if the gloomy and threatening aspect of affairs which this agitation has at length produced shall happily terminate in a permanent, honorable and satisfactory adjustment, by means of constitutional amendments, the immense pecuniary losses already sustained will be more than compensated by a return of the country to her former career of prosperity, security and peace. If the Northern States are willing to remain with the South under a general government, where domestic slavery is to be regarded as entitled to its protection, instead of being the object of its hostility, they can have no reasonable objection so to declare in terms, and in a form which will leave no ground for cavil or misunderstanding. If they are not content with such an association, it is due to their own character, as well as to the rights of their associate States, that their determination should be made known.

For the purpose of ascertaining the final and deliberate judgment of each division of the country, and to carry that determination into effect, either by the addition of such stipulations to the Constitution as may be agreed on, or

by a peaceable separation, if such should be the result, a Convention of the slaveholding States should be called. In such a Convention, the Southern States could agree upon such amendments to the Constitution as would secure to them their just rights, and in terms so explicit, that no difficulty could arise in the future as to the rights of either section. These amendments could be respectfully submitted to the Northern States for their consideration and action, and, in this manner, the whole question might be settled. As the ground of dispute is a single one, and a sectional one, the Convention to consider and adjust it must necessarily be sectional.

If it shall be proposed to establish a geographical line, there should, in my judgment, be at least a reciprocity of rights on either side of the line. If the Northern States shall insist upon excluding slavery from all territory north of the compromise line, the South, upon every principle of justice, equality and right, should demand that slavery shall never be abolished south of the line, without the consent of the slaveholding States. By prudent and well directed efforts, I am not without hope that an adjustment alike honorable to both sections may be effected.

That such may be the issue—that our country may again advance in her career of unprecedented prosperity—that our Federal Government may again become, what its framers designed, “the sheet-anchor of our peace at home and safety abroad,” and the State governments continue to be “the most competent administrators of our domestic affairs, and the surest bulwarks against anti-republican tendencies,” is, I am confident, the sentiment which animates you and all patriotic citizens. But, in the present unfavorable aspect of public affairs, it is our duty to prepare for the worst. We cannot avoid danger by closing our eyes to it. The magnitude of the interest now in jeopardy, both in reference to ourselves and our posterity, demands a prompt but deliberate consideration; and, in order that the will of the people may be ascertained and effectuated, a State Convention should, in my view, be called immediately.

Missouri is entitled to a voice in the settlement of the questions now pending in the country, and her position on these questions should be known. It may soon become necessary to send delegates to a Convention of the Southern States, or of all the States; and these delegates can only be instructed as to the determination of the State by an expression from the people through a State Convention. In this way the whole subject will be brought directly before the people at large, who will determine for themselves what is to be the ultimate action of the State.

In view of the marauding forays which continue to threaten our borders, as well as the general unsettled condition of our political relations, a due regard to our honor and safety requires a thorough organization of our militia. An active military force, well armed and held in readiness along our whole border, would afford that protection to persons and property which the citizens of our border counties have a right to demand, and which duty to them and to ourselves requires us to furnish. Allow me, in this connection, to allude to the promptness and efficiency with which the citizen soldiers of our commercial metropolis, under the lead of their gallant commander, responded to the call of my predecessor, to defend an exposed frontier from the ravages of a band of merciless outlaws. The expedition afforded no occasion by which military laurels could be gained; but the patriotism, ardor and endurance evinced by officers and men, furnish assurances of future usefulness, whenever their country may call for their services.

Turning from the consideration of our Federal relations to such questions as more immediately affect our domestic policy, I take pleasure in recalling to your minds the regular and steady progress which this State has made in all the essential elements of wealth and prosperity since her adoption into the Union. In fertility of soil, in its temperate, varied and genial climate, in its vast mineral resources, in its peculiar adaptation to almost every variety of agricultural productions, Missouri stands without a rival. Her mountains of iron ore, her vast fields of coal, her mines of

lead, copper and zinc, are now giving employment to thousands of hardy laborers, whilst her broad prairies and rich valleys are yielding to the farmer a rich reward for his labor. It is gratifying also to observe that, keeping pace with the rapid growth and increase of our material comforts, the interests of religion and morals, of science and art, have been steadily progressing.

The most important subjects connected with our State policy, which press themselves upon your immediate attention, are our Railroad enterprises and our Banking institutions.

The depressed condition of our money markets, growing out of the political condition of the country, appears to preclude all reasonable hope of raising additional funds for the further construction of our roads by the sale of State bonds. These bonds have already gone down to sixty cents on the dollar, and perhaps lower; and at such ruinous rates a further sale of them may be considered as out of the question. Under these embarrassments, the utmost caution will be necessary in the further prosecution of our public works, to avoid a disastrous blow upon the credit of our State, which a want of punctuality in fulfilling past engagements would inevitably produce. Our true policy, as it appears to me, is to apply all our means and energies to the prosecution and completion of that branch of our public works which may, in your judgment, promise the most speedy relief from existing burthens. If it can be made to appear, upon any fair calculation, that the final completion of any one or more of our roads will enable them to pay their interest, the dictates of sound policy point to the execution of these works as the best means of securing an end so desirable. I need not add, that I will be glad to cooperate with the General Assembly in such measures as will secure an early completion of our roads, without an increase of the permanent burthens upon the people.

With respect to our Banking institutions, my opinions and views have been so often expressed, and so recently explained in detail, in a communication which I had the honor

to make to the last General Assembly, whilst occupying an official position connected with their superintendence, that but few words, on this occasion, will be deemed necessary. If the General Assembly shall think proper to legalize the suspension of specie payments which has lately occurred, common prudence, it seems to me, requires that such amendments to the Bank charters as will prevent a like recurrence should be adopted; and such further provisions should be made as would secure, at the earliest day practicable, a return to a specie basis. I deem it to be one of the most important duties of the government to secure to its citizens a sound circulating medium. The evils of a depreciated currency are too well understood to need a recital here. It will also occur to you, as the suggestion of good policy, that in taking any steps to a restoration of our currency to a specie basis, there ought to be proper caution observed to avoid an increase of the depression now pervading the monetary affairs of the country.

The Geological Survey of the State, projected and prosecuted with a view of the development of our mineral and agricultural resources, promises, I learn, the most beneficial results; and will doubtless meet with that encouragement at your hands, which its importance merits.

Our public Asylums and Benevolent Institutions, our System of Education, embracing the State University and Common Schools, are objects worthy of our highest consideration, and need no suggestions from me to remind you of their paramount importance.

With reference to these and other subjects touching our internal administration, it will not be expected that, on this occasion, I should enter upon any detailed views. If it should become necessary or proper, during the further progress of your session, to call your attention to them, I shall not hesitate to do so.

I take this occasion to renew the pledge, repeatedly proffered by me during my canvass among the people, to counsel and observe the strictest economy in the administration of the government; to see, so far as the Constitution entrusts



me with any power over the subject, that a spirit of wise economy is carried out in every branch of the public service.

In conclusion, permit me, gentlemen of the Senate and House of Representatives, to tender through you, to the people of Missouri, my grateful thanks for the honor they have conferred on me; and to express the hope that, whatever changes may await us, the career of our own beloved State may be an uninterrupted advance in moral and material prosperity.

C. F. JACKSON.

## SPECIAL SESSION MESSAGE

MAY 3, 1861

*From the Journal of the Senate, pp. 13-16*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, May 3, 1861.*Gentlemen of the Senate and of the House of Representatives:*

I had no reason to anticipate, when you adjourned, that circumstances would so soon arise, which would render it my imperative duty to call you together again. It is deeply to be regretted that such a step has to be taken at a season of the year when time is so precious, and the loss of it, in your private affairs, must occasion such serious inconvenience. I am confident, however, that you have not reluctantly responded to the call, and that the objects for which you have assembled can be promptly and unanimously accomplished in a very few days. Since your adjournment, events affecting the peace and safety of the country, have been transpiring almost with the rapidity of thought, and of a nature well calculated to awaken, in the bosom of every patriot, the most gloomy apprehensions. Manifestations from every quarter, and of a character neither to be overlooked or disregarded, indicate but too plainly that our whole country, its Constitution and laws, are in imminent danger of disorder and destruction.

Our Federal Constitution, the bond of union of a once united and happy people, was framed by the delegates of distinct and separate States, and severally ratified by them in their sovereign capacity as States. This Constitution emanated from men who were guided by intelligence and patriotism, and taught by the lessons of experience and history, and whose minds were illuminated by the lights of philosophy and wisdom. Its object was to establish equality and justice between the States, and to insure domestic tranquility within them. Had the same spirit of justice and patriotism, which animated the men who devised it,

guided the people of the free States in the proper observance of its obligations to the present hour, we would now have a united, prosperous and happy Union, instead of a distracted and broken Confederacy. There has been no necessary conflict of interests between the North and the South, the East and the West. Varieties of climate, locality and products involved, it is true, contrasting, but not conflicting organizations of labor, and social structures, animated by different but not adverse principles. But the progress of fanaticism, sectionalism and cupidity in the Northern States, for the last quarter of a century, has, with accumulating force, culminated in the triumph of a purely sectional faction, which under the forms, but in violation of the principles of the Constitution, threatens to destroy the sovereignty of States, and practically convert the government of the United States into an overshadowing consolidated despotism. The present Executive of the United States seems to regard the States, in their relation to the Federal Government, as similar to those which counties bear to State sovereignties. A perversion so monstrous and so dangerous, all wise and reflecting men foresaw must end in a dissolution of the Confederacy, and that result has not taken us by surprise. Prior to the inauguration of President Lincoln seven States had seceded; they united with each other under a new Constitution; elected their officers, organized armies, instituted judicial tribunals, and asserted all the powers rightfully belonging to sovereign States. To this they were impelled by well founded apprehensions of imminent danger to all their vital interests, and by a consciousness that everything dear to them was directly menaced by the predominance of a faction avowedly hostile to their very existence as communities. For calamities so deplorable the people of Missouri cannot be reproached. They have preserved with scrupulous fidelity their attachment to the Constitution and the Union. They have asked for nothing which was not their right. They have done nothing in derogation of the rights of others. They have patiently submitted to many and great injuries for the sake of peace. They have ever counseled concord

and fraternity. Their statute books have not been defaced by enactments in contravention of the Constitution, and the laws made in pursuance thereof. They have been slow to believe that designs destructive of their rights and interests could be entertained by the Administration of Mr. Lincoln. They refused to see in his inaugural any purpose of introducing the horrors of civil war. They have cordially united in every effort of the people of the Border States to effect such a compromise as would secure the rights and honor of all, restore fraternal feeling, reconstitute the Union, and impart new vigor to the Constitution. Their counsels and their rights have been alike unheeded. The old Confederacy is broke; a new one has been organized by a portion of the States; and President Lincoln, by his proclamation calling out a force of seventy-five thousand men to subdue the seceded States, has threatened a destructive war between the States.

On the 15th day of April, I received a dispatch from the Secretary of War, calling on me to furnish the government at Washington with four regiments to aid in the prosecution of the civil war about to be inaugurated. I am sure I but gave utterance to the universal heart of our people when I replied, that Missouri would not furnish one man to assist in such a war. The action of the President is evidently unconstitutional and illegal, and will only tend to still further alienate the people of the free and slaveholding States in their opinions and sentiments. In confirmation of this opinion it is sufficient to say that the power to coerce a State, by the Federal Union, was proposed in the Convention that framed the Constituion in several different forms, and rejected; and it is an insult to the common sense of the people to assert, that a war upon individuals, acting under the authority of a State, and by virtue of its commission, or in obedience to its government, is not a war upon the State. The President, it appears, has not only discovered the power in the *government* to make war on the States, but has assumed that the *Executive Department* can initiate that war. Neither Washington, nor Jefferson, nor Jackson ever

for one moment imagined that they were clothed with such a despotic power as this. On the contrary, we have been taught by the following language in the farewell address of General Jackson, that the harmony and permanency of the Union could only be perpetuated by such a policy as would command the love and confidence of the people of the several States. He said: "But the constitution cannot be maintained, nor the Union preserved, in opposition to public feeling, by the mere exertion of the coercive powers confided to the government. The foundations must be laid in the affections of the people; in the security it gives to life, liberty, character and property *in every quarter of the country*; and in the fraternal attachments which the citizens of the several States bear to one another, as members of one political family, mutually contributing to promote the happiness of each other." We have also been warned by John Quincy Adams, that the permanency of the Union rested not in the coercive powers of the Federal Government, but in the love and affections of the people. His opinions were expressed in regard to the perpetuity of the government, in the following strong and truthful language: "The indissoluble link of Union between the people of the several States of the Confederate Nation, is, after all, not in the *right*, but in the *heart*. If the day should ever come, (may heaven avert it,) when the affections of the people of these States shall be alienated from each other; when the fraternal spirit shall give way to cold indifference, or collisions of interest shall fester into hatred, the bands of political association will not long hold together parties no longer attached by the magnetism of conciliated interests and kindly sympathies; and far better will it be for the people of the *dis-united* States to part in friendship from each other, than to be held together by constraint."

But the lessons of wisdom taught by the older and purer statesmen of the country seem to be unheeded by the present Administration. Its policy is rapidly tending to revolution; and, unless speedily arrested, will end in ruin and disaster to the hitherto prosperous and happy people of

the American Continent. The great and patriotic State of Virginia, after having failed in all her efforts to re-adjust the Union, has at last yielded in despair, and seceded from the old Federal Union. North Carolina, Tennessee and Arkansas, it is believed, will rapidly follow in the footsteps of Virginia; and Kentucky is profoundly moved in this great question. Our interests and our sympathies are identical with those of the slaveholding States, and necessarily unite our destiny with theirs. The similarity of our social and political institutions; our industrial interests; our sympathies, habits and tastes; our common origin and territorial contiguity, all concur in pointing out our duty in regard to the separation which is now taking place between the States of the old Federal Union. In the meantime, it is, in my judgment, indispensable to our safety that we should emulate the policy of all the other States in arming our people, and placing the State in a proper attitude for defense. The Militia Law should be revised and rendered more efficient. A good system of drill and discipline should also be adopted, in order to place ourselves in a position where our rights can be defended by strong arms and willing hearts.

Missouri has, at this time, no war to prosecute. It is not her policy to make aggressions on any State or people; but in the present state of the country, she would be faithless to her honor, and recreant in her duty, were she to hesitate a moment in making the most ample preparation for the protection of her people against the aggression of all assailants.

I, therefore, respectfully recommend the appropriation of a sufficient sum of money to place the State, at the earliest practicable moment, in a complete state of defense.

In conclusion, permit me to appeal to you, and through you, to the whole people of the State, to whom we are responsible, to do nothing imprudently or precipitately. We, gentlemen, have a most solemn duty to perform. Let us, then, calmly reason one with another; avoid all passion and all tendency to tumult and disorder; obey implicitly the law and the constituted authorities, and endeavor, ultimately,

to unite all our citizens in cordial co-operation, for the preservation of our honor, the security of our property, and the performance of all those high duties imposed upon us by our obligations to our families, our country, and our God.

Respectfully,

C. F. JACKSON.

## SPECIAL SESSION MESSAGE TO THE NEOSHO-CASSVILLE LEGISLATURE

OCTOBER 28, 1861

*\*From the Journal of the Senate (Neosho-Cassville Session), pp. 7-8*

*Gentlemen of the Senate and House of Representatives of the General Assembly of the State of Missouri:*

In pursuance of a power vested in me by the Constitution of the State of Missouri, I have convened you for the purpose of deliberating upon the relations of this State to the government of the United States. About the close of your last session the authorities of the United States government had manifested plainly, by a series of outrageous acts, that they had lost all proper appreciation of the principles of free government, and were determined, regardless of the most sacred obligations, to trample upon our liberties, to violate our dearest constitutional rights, and, in every manner known to tyrants, to insult, injure and afflict our people. The spectacle was for the first time presented of a government whose boast had been its free institutions, and the attachment of its citizens to the constitution and the laws, plunging at one bound from the most exalted eminence among the nations into the deepest abyss of despotic and arbitrary power. Men, women and children, in open day and in the public thoroughfares, shot down and murdered by a brutal soldiery, with the connivance of government officers. Our citizen soldiers were arrested and imprisoned.

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*\*Taken from "Journal of the Senate, Extra Session of The Rebel Legislature called Together by A Proclamation of C. F. Jackson; Begun and Held at Neosho, Newton County, Missouri, on The Twenty-first of October, 1861." Jefferson City: Emory S. Foster, Public Printer, 1861.*

At the second session of the State Convention, an Ordinance was passed on July 30, 1861, providing for certain amendments to the Constitution, one section of which declared vacated the offices of governor, lieutenant-governor, etc. On July 31st, the Convention elected Hamilton R. Gamble and Willard P. Hall governor and lieutenant-governor respectively, and on the same day a committee of three was appointed, "to wait upon the Hon. Hamilton R. Gamble, inform him of his election as provisional Governor of the State \* \* ." By subsequent acts of the Convention, Gamble and Hall were continued in office until January 2, 1865. (*Journal of the Missouri State Convention, held at Jefferson City, July, 1861, pp. 20-26.*)



State property was seized and confiscated without warrant of law; private citizens were insecure in their persons and property; the writ of habeas corpus had been nullified, and the brave judges who had attempted to protect by it the liberties of the citizens had been insulted and threatened, and a tyrant President, reveling in unbounded powers, had crowned all these acts of unconstitutional aggression by declaring war against a number of the States composing the former Union. Since your adjournment these wrongs and injuries have ripened into a war against our people, waged with unusual and unrelenting ferocity, and on the largest scale.

It is in vain to hope for a restoration of amicable relations between Missouri and the other United States of America under the same government, and it is not desirable if it could be accomplished.

It is idle to speak of preserving the mere paper bonds of union with a government whose licentious rulers have cut into shreds all other bonds between us. While insult and injury have been heaped upon us by the United States Government until they were no longer endurable, it gives me pleasure to call your attention to the sympathy manifested towards us by the Confederate States of America in the act of their Congress, a copy of which I herewith submit, and in the aid of men, arms and munitions of war supplied by their President to the citizens of Missouri, struggling for their liberties. In view of these facts, I beg leave to recommend to you the passage

1st. Of an ordinance dissolving all political connection between the State of Missouri and the United States of America.

2d. Of an act of provisional union with the Confederate States of America.

3d. The appointment of three commissioners to the Provisional Congress of the Confederate States of America.

4th. The passage of a law authorizing the Executive of the State to cause an election to be held for the election of Senators and Representatives to the Confederate States

of America, as early as practicable after the State of Missouri shall be admitted as a member of said Confederate States, and providing in said law the mode and manner that the citizens of the State who may, at the time of such election, belong to the army, can cast their votes for Representatives.

5th. The passage of an act empowering your Executive to cause to be engraved, and from time to time to issue, over his signature as Governor, bonds of the State of Missouri, not exceeding ———— dollars, in such sums and of such denominations as the public welfare may require.

Before closing this communication, gentlemen, I cannot refrain from congratulating you and the people of our State upon the glorious victories which have crowned our arms since your last adjournment. At Carthage, at Springfield, at Fort Scott and at Lexington, the brave soldiers of Missouri, led on by gallant generals, met the well appointed, well armed hordes of the enemy, and gained signal victories.

Their deeds have crowned them with imperishable renown. No soldiers upon this continent rank above them.

With such soldiers and a just cause we cannot fail of achieving our just liberties.

In referring to our victories it is due to the brave men and gallant leaders of the Confederate and Arkansas army, to express our grateful acknowledgment of their gallant and efficient aid at the battle of Springfield.

No troops ever fought more gallantly, or with better success.

God's protecting providence has been over us in all our past struggles. Let us devoutly return thanks for his protection and fervently implore its continuance.

C. F. JACKSON, *Governor*.

## VETO MESSAGES

## TO THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 1861

*From the Journal of the House of Representatives, pp. 404-407*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 28, 1861.

*To the House of Representatives:*

By the 10th section of the 4th article of the constitution of Missouri, it is provided that "every bill which shall have been passed by both Houses of the General Assembly, shall, before it becomes a law, be presented to the Governor for his approbation. If he approve, he shall sign it; if not, he shall return it, with his objections, to the House in which it shall have originated."

A bill, originating in the House of Representatives, entitled "An act to incorporate the Young Mills Woolen Manufacturing Company," has been presented to me for my approval and signature.

Entertaining the opinion that this bill ought not to become a law, it becomes my duty, under the constitution, to return it, with my objections, to the House in which it originated.

The general law of the State concerning corporations, which has remained undisturbed upon the statute book for more than fifteen years, provides that "the charter of every corporation that shall hereafter be granted by the legislature, shall be subject to alteration, suspension, and repeal, in the discretion of the legislature."

It also provides, that in the event the corporate property of any incorporated company shall be insufficient to pay the debts of such company, that each stockholder of the company may be held liable for such indebtedness to an amount equal to his stock in the company. These salutary provisions of this general law, within themselves so

wise, just, and proper, and which have received the sanction and hearty approval of the people of the State for a period of almost twenty years, are now proposed, so far as this bill is concerned, to be set aside and rendered null and void.

It is not so much from any apprehensions of evil which might result from the operations of this bill—should it become a law—that I object, as it is to the principle it asserts. This bill, in effect, undertakes to declare that a contract has been entered into between the State and the company proposed to be incorporated, which shall remain irrevocable for a period of twenty-five years. With all due deference to the opinions of others, I must be permitted to say that I am unable to see anything in this bill which has the least semblance of a contract about it. I understand a contract to be an agreement between two or more parties, where one party agrees to do and perform certain things upon the condition that certain other things are to be performed by the other party, and if either fails or refuses to comply with his part of the bargain, it ceases to be binding and obligatory on the other.

I can see nothing in this bill which partakes in the least of these characteristics. It simply undertakes to confer upon a manufacturing company certain extraordinary privileges, and to continue them for a period of twenty-five years. This is the character of the obligation under which it is proposed to place the State by the passage of this bill. Have the General Assembly the power to do it? If they have the power, is it wise, prudent, or politic, to exercise it? I do not believe the legislature is possessed of this extraordinary power. I do not see how the present generation can, by a mere ordinary act of legislation, bind up the hands of those who are to succeed us for twenty-five years to come. Power to this unlimited extent has never, to my knowledge, been claimed by the people in the exercise of their highest sovereign rights.

The constitution from which the powers of the several departments of the government are derived, provides for its own amendment, alteration and repeal; and shall it be

said that a mere act of incorporation, having none of the ingredients of a contract about it, and passed under the authority of that constitution *cannot be repealed*, and that the constitution itself can? The framers of the constitution never once supposed that any legislative body would be endowed with sagacity and forecast sufficient to enable it to enact such laws as would meet the wants and views of the people for the next twenty, fifty, or an hundred years; and hence, they wisely provided for biennial elections, in order that all laws should be subject to the revision of the representatives of the people every two years, instead of every twenty, or fifty years.

I do not deny the power of the General Assembly to make a contract. Its right to do so, I admit, to be clear and unquestionable; but when the State undertakes to enter into a contract, in truth and in fact, there must necessarily be as in all in other cases of valid contracts, binding obligations resting upon both parties, and where neither party can throw off its obligations without the consent of the other. Where the State enters into a contract of this character, the legislature has no power to revoke it without the consent of the other contracting party, nor can the other party set it aside without the concurrence of the State first obtained through the General Assembly. Where, allow me to ask, are the binding obligations of this manufacturing company to continue its business for twenty-five years? I apprehend it will scarcely be pretended, that the company is placed by the terms of this bill, under any such obligations. If the bill was now a law, the company could, with perfect impunity, refuse to commence business under it, or if it thought proper to commence and carry on its business, under the charter, for five years, it could then wind up its business at its own will and pleasure, and yet we hear it said it is a contract irrepealable and irrevocable on the part of the State.

In my judgment, if this bill should become a law, it could not in any proper sense of the term be considered a contract between the State and the corporators but a mere privilege granted, which might be continued or withdrawn

by the legislature, in its own discretion, and without the consent of the company. In my view of the subject, the right of the legislature to alter, amend, or repeal this act, could no more be called in question, than the right of the company to abandon its charter and close up its business whenever it might think proper to do it. Neither party possesses any restraining power over the other. The company, should the bill become a law, may organize and do business under it if they choose, or reject it if they see proper.

By the constitution all legislative power is vested in a General Assembly, and they are authorized to pass all laws which, in their judgment, are warranted by the constitution and demanded by the wants of the people. Each successive legislature is clothed with every power and prerogative possessed by its predecessor, and may amend, alter, suspend, or repeal any and all laws which the public good may require, and which shall not impair individual or corporate rights previously and lawfully acquired.

The bill under consideration, as I understand it, undertakes to confer upon the company therein named certain privileges for the period of twenty-five years, and to deny the rights of any succeeding legislature to change, alter, or repeal the same without the consent of the company. Dissenting as I do from this view of the subject, and regarding the bill as a most dangerous precedent even if the legislature have the power to pass it, I cannot, consistently with my sense of duty, give it my approval, and therefore return it to the House where it originated. Respectfully,

C. F. JACKSON.

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### TO THE SENATE

MARCH 22, 1861

*From the Journal of the Senate, pp. 506-509*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 22, 1861.

*To the Senate of Missouri:*

I return to the Senate, in which they originated, two bills, one entitled "*an act to incorporate the Western Loan*

*Association,*” the other “*an act to incorporate the Missouri Saving and Loan Association in St. Louis,*” with my objections to them becoming laws. These bills being similar in character, and almost identical in their objectionable provisions, I have chosen to consider them jointly—the objections to one being equally applicable to the other.

One of these bills invests the company proposed to be incorporated, with power and authority to loan money at the enormous rate of “*one and a half per cent per month,*” while the other is authorized to loan its money “*on such time and terms as may be mutually agreed upon.*” Passed, as these bills have been, just at the close of a protracted session, and when the Legislature was engaged in the consideration of the numerous important measures before them, I am persuaded the above recited features of these bills must have escaped their observation. Almost every act of incorporation is more or less exclusive in its character, and to this extent objectionable; but when it is proposed to incorporate a few individuals for the *sole* purpose of lending money, and to confer upon them the exclusive, extraordinary and unprecedented privilege of charging, in the one case, the exorbitant rates of one and a half per cent. interest per month for the use of their money, and in the other, *just whatever they may choose to ask*, their palpable injustice and gross inequality are so striking to my mind, that I cannot yield to them my sanction or approval. I have not been able to see any good reason why the persons proposed to be incorporated by these bills, should have conferred upon them certain special favors and powers to the exclusion of every other good citizen of the State. If it were proposed to incorporate a number of mining, smelting, or manufacturing companies, their advocates might defend them to some extent, upon the popular theory, that they were necessary “*to develop the vast resources of our growing State;*” but the friends of these measures are denied the benefit of these potential reasons. These bills simply propose to invest a few persons with authority to lend money at the most ruinous rates of interest; *the last business in the world, in my judg-*

*ment, which should be encouraged or stimulated by legislative enactments.* As a general thing, those who are able are naturally too much inclined to engage in the business of lending money and shaving paper, and need rather to be *restricted* than *encouraged* in such pursuits by legislative action. By the general law of the State all natural persons are prohibited from lending money at a greater rate of interest than ten per cent. per annum; and, if there were no other reasons why these bills should not become laws, the invidious and unjust distinction sought to be made between these corporations and the citizens of the State, would of itself, form an insurmountable objection with me. If the people of the State were free from all pecuniary embarrassment; if they were blessed with abundant crops and overflowing garners, and favored with the most prosperous times, I could not give my assent to any measure which discriminates so unjustly between a people entitled to equal privileges; much less can I do it now, when every branch of business is depressed to an extent unparalleled in our history, and every citizen burthened with the heaviest financial embarrassment. In my judgment, few things have contributed in a higher degree to bring about the pecuniary distress now prevailing in the country, than the excessive rates of interest which our active business men have been compelled to pay.

It is a popular argument, I know, to say that every man shall have the right to lend or sell the use of his money for any price he can get, in the same manner he has to sell his horse, his mule, or his crop of wheat, but as popular and as plausible as this dogma may appear in theory, it is none the less delusive and deceptive when put in practice, as the experience of every civilized people has proved. It is a very old maxim, but for that reason none the less true, "that experience is the best of all teachers." Without an exception—if my memory is not at fault—every one of the older States of the Union have, from the very necessity of the case, been compelled to resort to a system of the most stringent usury laws, to protect the masses of the people from the clutches of the money changers. If there be any



branch of industry, any calling, any profession, pursuit, or avocation, that will justify the most thrifty, in its prosecution, to pay even ten per cent. for the use of money, I am not aware of it. If this assumption be true—if it be a fact, that the most profitable pursuits of the country will not justify the paying of ten per cent. to prosecute them, can we justly tolerate a law which recognizes even that rate of interest?

If we would properly understand this question, we must be governed by the *practical workings of the system*, and not by any high sounding theories of this or that political economist. Behold the present condition of the country! Just at this moment, when no man can sell a bushel of wheat, a bale of hemp, a hogshead of tobacco, a horse or mule for half in value, we find the money shavers of the country pressing their debtors for higher rates of interest, for better securities, and additional deeds of trust; and failing to get them, the Sheriff or trustee—as the case may be—is called in to sell the property, though it be at the most ruinous rates. Such are the practical workings of our present system. Instead, therefore, of conferring additional privileges upon the money power of the country, instead of furnishing the money shavers with greater means and facilities with which to oppress the debtor class of the community, my judgment would lead me to another, and a very different line of policy. My firm conviction is, that the best interests of the country would be promoted by a *reduction* rather than an *increase* in our present rates of interest. Under the existing oppression prevailing throughout the country in every branch of business, I feel warranted in the conclusion, that no measure could be adopted at this time, which would give greater prospective relief to the country, or more satisfaction and heartfelt joy to the great body of the people, than a law reducing the rate of interest to six per cent.

The money changers, I very well know, will say that no law can be passed regulating interest, which cannot be evaded. Those who believe such stories, labor under a sad misapprehension. “Where there is a *will* there is a *way*.”

Let the law be faithfully drawn; let the penalties imposed for its violation be made sufficiently heavy; let the guards thrown around it be of a character that the most desperate, cunning, or depraved cannot shuffle out of it or around it, and the work will be accomplished, and the country, in my judgment, will be rid of a great and growing evil. Why shall these money shavers be favored with laws enacted exclusively for their use and benefit? Is it because they are more patriotic than others? Is it because they are the first to spring into line to defend their country in time of danger? Is it because they are possessed of a greater spirit of philanthropy, and perform more acts of charity and benevolence than all others? If these questions can be answered in the affirmative, then, as a class, such persons may be considered as entitled, in some degree, to the especial favors and bounties of the government. In stating these reasons, let no one suppose they are given from any prejudices upon my part against any particular class of persons. I have no enemies to punish, no resentments to appease, no wrongs to avenge; but actuated alone from a stern sense of duty, and with a firm determination to mete out single handed justice to every class of my constituents, I cannot, with my long-settled convictions upon this subject, concur in the propriety of giving my assent to a system of measures proposing to confer such extraordinary privileges upon any class of men; much less am I inclined to join in the work of granting especial favors to a class, who, to say the least of them, were never known to add one cent of real wealth to any country, but like the drones in the hives, act well their part in consuming, and living, and fattening upon the labor and substance of the hard working, toiling millions.

Every professional money lender—I mean those who follow the business exclusively for a livelihood—is, in the very nature of his pursuit, a *consumer*, and not a producer. They make not a pound of flour, beef, or pork; not a bushel or peck of corn or potatoes, and cannot, in the nature of things, contribute a farthing to the real wealth of the country, for this can only be done by well directed labor. The

money lenders do not labor; they neither sow nor reap. I do not, therefore, see why this class of our citizens, however meritorious in other respects, should be made the especial and exclusive objects of legislative favors and bounties.

Respectfully,

C. F. JACKSON.

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## TO THE HOUSE OF REPRESENTATIVES

MARCH 22, 1861

*From the Journal of the House of Representatives, pp. 652-654*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 22, 1861.

### *To the House of Representatives:*

I return to the House in which it originated, a bill entitled "*an act establishing the St. Louis Special Deposit Institution,*" with my objections to its becoming a law. This bill authorizes the company proposed to be incorporated, with power and authority to loan its money at the enormous rate of "*one and a half per cent. a month.*" Passed, as this bill has been, just at the close of a protracted session, and when the Legislature was engaged in the consideration of the numerous important measures before them, I am persuaded the above recited feature of it must have escaped their observation. Every act of incorporation is more or less exclusive in its character, and to this extent objectionable; but when it is proposed to incorporate a few persons for the *sole* purpose of lending money, and to confer upon them the exclusive and extraordinary privilege of charging the exorbitant rate of one and a half per cent. interest per month for the use of their money, its palpable injustice and gross inequality are so striking to my mind, that I cannot yield to it my sanction or approval. I have not been able to see any good reason why the persons proposed to be incorporated by this bill should have conferred upon them certain special favors and privileges, to the exclusion of every other good citizen of the State. If it were proposed to in-

corporate a mining, a smelting or manufacturing company, their advocates might defend them to some extent upon the popular theory that they were necessary "*to develop the vast resources of our growing State;*" but the friends of this measure are denied the benefit of these potential reasons. This bill simply proposes to invest a few persons with authority to lend money at the most ruinous rates of interest; *the last business in the world, in my judgment, which should be encouraged or stimulated by Legislative enactments.* As a general thing, those who are able are naturally too much inclined to engage in the business of lending money and shaving paper, and need rather to be *restricted than encouraged* in such pursuits by Legislative action. By the general law of the State, all natural persons are prohibited from lending money at a greater rate than ten per cent. per annum; and if there were no other reason why this bill should not become a law, the invidious and unjust distinction sought to be made between this corporation and the citizens of the State would, of itself, form an insurmountable objection with me. If the people of the State were free from all pecuniary embarrassment; if they were blessed with abundant crops and overflowing garner, and favored with the most prosperous times, I could not give my assent to any measure which discriminated so unjustly between a people entitled to equal privileges; much less can I do it now, when every branch of business is depressed to an extent unparalleled in our history, and every citizen burthened with the heaviest financial embarrassment. In my judgment, few things have contributed in a greater degree to bring about the pecuniary distress now prevailing in the country, than the excessive rates of interest which our active business men have been compelled to pay. It is a popular argument, I know, to say that every man shall have the right to lend or sell the use of his money for any price he can get, in the same manner he has to sell his horse, his mule, or his crop of wheat; but as popular and as plausible as this dogma may appear in theory, it is none the less delusive and deceptive when put in practice, as the experience of every civilized

people has proved. It is a very old maxim, but for that reason none the less true, that "experience is the best of all teachers." Without an exception; if my memory is not at fault, every one of the older States of the Union have, from the very necessity of the case, been compelled to resort to a system of the most stringent usury laws, to protect the masses of the people from the clutches of the money-changers. If there be any branch of industry, any calling, any profession, pursuit, or avocation that will justify the most thrifty, in its prosecution, to pay even ten per cent. for the use of money, I am not aware of it. If this assumption be true, if it be a fact that the most profitable pursuits of the country will not justify the paying of ten per cent to prosecute them, can we justly tolerate a law which recognizes even that rate of interest? If we would properly understand the question, we must be governed *by the practical workings of the system*, and *not* by any high sounding theories of this or that political economist. Behold the present condition of the country. Just at this moment, when no man can sell a bushel of wheat, a bale of hemp, a hogshead of tobacco, a horse or mule for half its value, we find the money-shavers of the country pressing their debtors for higher rates of interest, for better securities and additional deeds of trust; and failing to get them, the Sheriff or trustee, as the case may be, is called in to sell the property, though it be at the most ruinous rates. Such are the practical workings of our present system. Instead, therefore, of conferring additional privileges upon the money power of the country; instead of furnishing the money-shavers with greater means and facilities with which to oppress the debtor class of the community, my judgment would lead me to another, and a very different line of policy. My firm conviction is, that the best interests of the country would be promoted by a *reduction* rather than an *increase* in our present rate of interest. Under the existing depression prevailing throughout the country in every branch of business, I feel warranted in the conclusion, that no measure could be adopted at this time which would give greater prospective relief to the country, or more satisfac-

tion and heartfelt joy to the great body of the people, than a law reducing the rate of interest to six per cent.

The money-changers, I very well know, will say that no law can be passed regulating interest, which cannot be evaded. Those who believe such stories, labor under a sad misapprehension. "Where there is a *will* there is a *way*." Let the law be faithfully drawn; let the penalties imposed for its violation be made sufficiently heavy; let the guards thrown around it be of a character that the most desperate, cunning or depraved cannot shuffle out of it or around it, and the work will be accomplished, and the country, in my judgment, will be rid of a great and growing evil. Why shall these money-shavers be favored with laws enacted exclusively for their use and benefit? Is it because they are more patriotic than others? Is it because they are the first to spring into line to defend their country in time of danger? Is it because they are possessed of a greater spirit of philanthropy and perform more acts of charity and benevolence than all others? If these questions can be answered in the affirmative, then, as a class, such persons may be considered as entitled, in some degree, to the especial favors and bounties of the government. In stating these reasons, let no one suppose they are given from any prejudices upon my part against any particular class of persons. I have no enemies to punish, no resentments to appease, no wrongs to avenge; but actuated alone from a stern sense of duty, and with a firm determination to mete out single-handed justice to every class of my constituents, I cannot, with my long settled convictions upon this subject, concur in the propriety of giving my assent to a system of measures proposing to confer such extraordinary privileges upon any class of men; much less am I inclined to join in the work of granting especial favors to a class, who, to say the least of them, were never known to add one cent of real wealth to any country, but like the drones in the hive, act well their part in consuming, and living and fattening upon the labor and substance of the hard-working, toiling millions. Every professional money-lender (I mean those who follow the

business exclusively for a livelihood) is, in the very nature of his pursuit, a *consumer*, and not a producer. They make not a pound of flour, beef or pork; not a bushel or peck of corn or potatoes, and cannot, in the nature of things, contribute a farthing to the real wealth of the country, for this can only be done by well directed labor. The money-lenders do not labor; they neither sow nor reap. I do not, therefore, see why this class of our citizens, however meritorious in other respects, should be made the especial and exclusive objects of legislative favors and bounties.

Respectfully,

C. F. JACKSON.

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TO THE SENATE

MARCH 25, 1861

*From the Journal of the Senate, pp. 527-528*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 25, 1861.

*To the Senate of Missouri:*

I return to the Senate, where it originated, a bill entitled "an act to incorporate the Missouri Lombard Association," with my objections to its becoming a law.

This bill proposes to clothe the corporators with authority to loan money at the rate of one and a half per cent. a month, and is therefore subject to the same objections given by me on Saturday last, in a communication made by me to the Senate, on the return of two bills containing similar features. I have seen no reason to change the views expressed in the communication above referred to, and respectfully call the attention of the Senate to the same, as containing the objections I make to the bill under consideration.

Respectfully,

C. F. JACKSON.

## TO THE HOUSE OF REPRESENTATIVES

MARCH 26, 1861

*From the Journal of the House of Representatives, p. 695*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 26, 1861.

*To the Speaker of the House of Representatives:*

I return to the House, in which they originated, two bills; one entitled "an act to incorporate the Chillicothe and Brunswick Railroad Company," the other entitled, "an act to revive and extend an act entitled 'an act to incorporate the Ozark Iron Company,' " approved February 27, 1857, with my objections to their becoming laws. These bills undertake to repeal the seventh section of the first article of the general corporation law of the State, so far as it has any application to them.

It will doubtless be remembered that I returned to the House of Representatives, some weeks since, a bill entitled "an act to incorporate the Young Mills Woolen Manufacturing Company," containing a similar provision, and stated, at some length, the reasons which influenced me to withhold my approval and signature. I have seen no cause since that time to change the views then expressed, and as the same objections urged against the passage of that bill apply to these now returned, I respectfully call the attention of the House to that communication, as containing the reasons why I cannot approve the bills now before me. It certainly cannot afford me any pleasure to occupy a position of antagonism with the General Assembly upon the questions now in issue, or indeed upon any others; on the contrary, I may say that it is a source of great pain with me to differ with the representatives of the people in regard to measures which affect the interests of a common constituency. I cannot, however, see why it is that those desiring acts of incorporation should insist with such pertinacity upon a point which is really of no value to them, but which is of vital importance to the State. With the exception of one most remarkable instance, (the memorable contest between the Banks and



Savings Institutions,) I am not aware of any disposition the General Assembly has ever manifested to interfere with the business of incorporated companies; and in the case referred to, it was brought on at the instance of the Banks. It was, in truth, simply a war between the moneyed institutions of the State, each party contending for the mastery, the history of which, it seems to me, should convince every one of the absolute necessity and imperative duty of the Legislature to retain full power over the whole of them. With respect to the right of the Legislature to repeal acts of incorporation, to alter and amend them at pleasure, I have not the least doubt; and the House of Representatives will, I trust, pardon me for calling them to my aid in this work, by the numberless acts passed by them during the present session, altering, amending and repealing every class of incorporations known to our laws. This has been done, too, without asking the consent of the parties interested. If, therefore, it is right to retain the power of repeal in one case, it should be retained in all. There should, at least, be something like uniformity in the passage of such laws.

Respectfully,

C. F. JACKSON.

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### TO THE SENATE

MARCH 28, 1861

*From the Journal of the Senate, p. 575*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 28, 1861.

#### *To the Senate of Missouri:*

I regret extremely that a sense of duty impels me at this late hour of the session, to return to the Senate "an act to apportion representation and to divide the State into Senatorial and Congressional Districts," with my objections to its becoming a law. This bill is so palpably unconstitutional that it is only necessary to state the points involved, to make every one see them so plainly as to carry conviction to every mind.

By the third article of Amendments to the Constitution, ratified at the session of the General Assembly of 1848-9, it is provided that "the ratio of representation shall be ascertained at each apportioning session of the Legislature, by dividing the whole number of permanent free white inhabitants of the State by the number of one hundred and forty; each county having said ratio, or less, shall be entitled to one representative; each county having said ratio and a fraction over, equal to three-fourths, shall be entitled to two representatives; each county having three times said ratio, shall be entitled to three representatives," and so on. This is the rule laid down in the Constitution, which we have all taken an oath to support. It is a matter in which none of us have the least discretion to exercise. The rule is prescribed, and all we have to do is to apply the figures and ascertain the result. The whole white population of the State, by the late census, is 1,051,358, which gives, under the rule prescribed, each county having 7,509 white inhabitants or less, (if the county existed at the time the Amendment was made,) one representative; each county having 13,140 is entitled to two representatives, and each county having 22,527 is entitled to three representatives. Under the provisions of the bill before me, Howard county, with a white population of 9,986, Green county, with 11,512, Clay county with 9,548, are each given two representatives; while Platte county, with 14,986, and Jackson county, with 18,934, are each given three representatives; all of which are palpably against the plainest provisions of the Constitution.

These are sufficient, without enumerating many other instances in the bill, to satisfy every one of its unconstitutionality. Did time permit, it would be shown, in many other cases, that it is not only in violation of the Constitution, but does the greatest injustice to many counties, by giving in several cases two members to certain counties having less population than others which are only given one member.

Respectfully,  
C. F. JACKSON.

*TO THE SENATE*

MARCH 28, 1861

*From the Journal of the Senate, p. 577*

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*To the Senate of Missouri:*

I return to the Senate, in which it originated, "an act to incorporate the St. Louis Workingmen's Saving Association."

This bill authorizes the lending of money to the highest bidder, and for this reason, which has been heretofore stated at length to the Senate, I cannot give my sanction or approval to this bill.

Respectfully,

C. F. JACKSON.

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*TO THE HOUSE OF REPRESENTATIVES*

MARCH 28, 1861

*From the Journal of the House of Representatives, p. 713*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 28, 1861.

*To the Speaker of the House of Representatives:*

I return to the House a bill entitled "an act to incorporate the Union Saving Fund Association," with my objections to its becoming a law. The whole object of the bill is to lend money to those who will bid the most for it. I have already stated in other communications made to the House my objections at length to bills of this kind, and respectfully refer the House to those papers as containing my objections to the passage of this bill.

Respectfully,

C. F. JACKSON.

## TO THE HOUSE OF REPRESENTATIVES

MARCH 28, 1861

*From the Journal of the House of Representatives, p. 717*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 28, 1861.

*To the House of Representatives of the State of Missouri:*

I return to the House, in which it originated, a bill entitled "an act to incorporate the Newark Savings Institution," with my objections to its becoming a law. This bill makes exceptions to the seventh and thirteenth sections of the general corporation law of the State, and I cannot, for this reason, give it my sanction and approval.

Respectfully,

C. F. JACKSON.

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## TO THE SENATE

MAY 13, 1861

*From the Journal of the Senate, pp. 43-44*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, May 13, 1861.

*To the President of the Senate:*

I herewith return to the Senate, where it originated, a bill entitled "an act to authorize the Banks of the State of Missouri to issue small notes and for other purposes," with my objections to its becoming a law. The Constitution of Missouri requires that every bank established by the General Assembly "shall be based upon a specie capital, and made liable to redeem its issues in gold or silver."

The seventh section of the bill before me, authorizes any Bank in the State, accepting its provisions, to issue notes upon all bonds which may be issued by the State and purchased by the Banks, in the same manner as if the bonds were so much specie. This has clearly been an oversight in the General Assembly, produced by the excitement and

confusion of the moment, which must be evident to every mind on a moment's reflection. I subscribe, under the circumstances, to the objects of the bill, and would give it my hearty approval, but for the constitutional objections I have to it. If it shall be the pleasure of the General Assembly to pass another bill upon the subject, I respectfully suggest that the Bank Commissioner or assistant be not required to countersign these small notes, knowing as I do that it could not be done by them in less than one year.

Respectfully,

C. F. JACKSON.

## SPECIAL MESSAGES

## TO THE GENERAL ASSEMBLY

JANUARY 18, 1861

*From the Journal of the Senate, p. 97*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 18, 1861.

*To the General Assembly:*

I have the honor to inform the Legislature that the Hon. Daniel R. Russell, Commissioner from the State of Mississippi, is now at our seat of government, and that he has been appointed by the Governor of that Commonwealth, in pursuance of a resolution passed by the Legislature "to proceed to the Capital of Mississippi, to inform the people of this State, through its Executive, that the Legislature of Mississippi has passed an act calling a Convention of the people of that State to consider the present threatening relations of the Northern and Southern sections of the United States, aggravated by the recent election of a President upon principles of hostility to the States of the South, and to express the earnest hope of Mississippi that Missouri will co-operate with her in the adoption of efficient measures for the common defense and safety of the slaveholding States.

If it shall be the pleasure of the General Assembly, as I doubt not it will be, to confer with the Commissioner from Mississippi in regard to the important objects of his mission, I am assured he would embrace the earliest opportunity to do so that may suit the convenience of the Representatives of the people of Missouri.

Very respectfully,

C. F. JACKSON.

## TO THE GENERAL ASSEMBLY

JANUARY 24, 1861

*From the Journal of the Senate, p. 132*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, JANUARY 24, 1861.

*To the General Assembly:*

I herewith submit to the Legislature the Report of the Board of Public Works, which, from the large fund of statistical and general information it contains in relation to our system of Internal Improvements, I beg leave to commend to your serious attention. From a partial examination of this Report, I have been amply impressed with its importance, as showing the cost of construction and general condition of the various railroads in our State. By reference to the Report it will be seen that over thirty millions of dollars have been expended in the construction of the roads to which State bonds have been issued. Of the several roads which have been undertaken, the Hannibal and St. Joseph Road is the only one completed. This road, the Platte Valley Road, and the South-West Branch, still continue to pay the interest upon the bonds issued for their construction; and the important question now presents itself, can we devise the ways and means by which we can place any other of our roads upon a footing that will enable them to meet, at not distant day, the interest upon their bonds as they may become due. By those most competent to judge of such matters, it is believed this may be done. My own judgment is, that by a wise and prudent policy this desirable object may be accomplished. If the members of the General Assembly shall concur in the opinion with me, I doubt not they will at once assiduously devote themselves to a work, the importance of which is felt by every citizen of the State. Without entering further into the subject, allow me to suggest the importance of the interests involved, and to impress upon you the necessity of devoting your best energies and earliest attentions to their consideration.

Respectfully,

C. F. JACKSON.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

JANUARY 29, 1861

*From the Journal of the Senate, pp. 153-154*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, January 29, 1861.

*To the Senate and the House of Representatives:*

I herewith transmit resolutions passed by the Legislature of New York, Ohio and Tennessee, also resolutions passed in convention by the State of Alabama; all of which relate to the unfortunate divisions now existing between the Northern and Southern sections of our Federal Union.

Having so fully expressed, on a recent occasion, the views I entertain upon the subject embraced in these resolutions, I deem it unnecessary to add anything farther at the present time. I cannot, however, withhold the expression of my utter dissent to the views set forth in the New York and Ohio resolutions. The odious and despotic doctrine of coercion advanced in these resolutions, whilst they can scarcely fail to excite our derision, will not be less impotent in producing upon the people of Missouri their desired work of intimidation and subordination.

The resolutions of Tennessee, among other things, recommend the holding of a convention composed of Commissioners from the slaveholding States to meet at Nashville, on the 4th of February, proximo, whilst those of Alabama propose a similar convention on the same day, to meet at Montgomery, Alabama. The object of both States is the same, and only differ as to the place of holding the convention.

I am also informed by the Hon. John S. Phelps, at Washington, by telegraph, as well as through the public prints, that the State of Virginia has appointed Commissioners to meet at Washington, in convention, composed of delegates from all the States, on the same day. The object of both conventions is to settle, if possible, the unhappy divisions now existing between the Northern and Southern sections of the country; and as Missouri feels the deepest



interest in any settlement that may be made, and well knowing her great desire to contribute everything in her power to bring about an amicable, honorable, and just arrangement of all matters in controversy, I respectfully recommend the sending of Commissioners, without delay, both to Washington and to Nashville, or to Montgomery, or such other places as the Southern States may agree upon.

Respectfully,

C. F. JACKSON.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1861

*From the Journal of the Senate, pp. 191-192*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 4, 1861.

*To the Senate and House of Representatives:*

I herewith transmit resolutions relating to the political condition of the country, passed by the Legislatures of the States of Kentucky, Pennsylvania, Wisconsin, and Minnesota; also a series of resolutions passed by the Legislature of the State of Maine, in relation to an uniform decimal system of weights, measures, and currencies; to all of which I respectfully invite the attention of the General Assembly,

Respectfully,

C. F. JACKSON.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1861

*From the Journal of the Senate, p. 208*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, February 6, 1861.

*To the Senate and the House of Representatives:*

In compliance with the 14th section of the 3rd article of the general banking law, I herewith transmit the report of the Bank Commissioner and Assistant, made upon the first of February, 1861.

Respectfully,

C. F. JACKSON.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1861

*From the Journal of the Senate, pp. 264-265*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., February 16, 1861.

*To the Senate and House of Representatives:*

By the second section of the 13th article of "an act to govern and regulate the Volunteer Militia of Missouri," it is made the duty of the Governor, "*when the General Assembly is not in session*, to call into active service of the State any number of volunteers that he may deem necessary for the purpose of suppressing insurrections, repelling invasions, or for the protection of the lives, liberty or property of any of the citizens of this State, whenever he shall be satisfied that the power of the civil authorities of the State is insufficient for that purpose."

I have received information from reliable sources in the city of St. Louis, going to show that the most serious apprehensions are entertained on the part of many citizens of that city for the peace, safety, and security of persons and property. They have expressed great fears that, from the high state of political excitement now prevailing, and the character of the several military and political organizations now existing in that city, there is a great reason to believe that disturbances of the most alarming character may take place there on Monday next, and have requested, in earnest terms, that the Executive arm should be interposed for the public safety.

It will be seen from the law herein referred to, that the Executive has no power to act in the matter under existing circumstances, and therefore submits the whole question to the General Assembly for their consideration.

Respectfully,

C. F. JACKSON.

*TO THE HOUSE OF REPRESENTATIVES*

MARCH 7, 1861.

*From the Journal of the House of Representatives, pp. 465-466.*

EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 7, 1861.

*To the House of Representatives:*

Resolutions in the words following, adopted by the House of Representatives, have been received by me:

“*Resolved*, That the Governor be requested to communicate to this House, at his earliest convenience, if in his opinion it is advisable to continue the military force in the field on the South-West border longer in the service of the State.

“2d. That the Governor be requested to communicate to this House, at his earliest convenience, if not deemed incompatible with the public interest, the information in his possession necessitating the longer maintenance of a military force for the protection of the South-West border.”

In compliance with the request contained in the foregoing resolutions, I have to say, that the military force now stationed upon our Western border, had been placed there by my predecessor for the protection, security and safety of the people residing in the border counties. Shortly after coming into office, I deemed it to be my duty to inquire into the propriety and necessity of continuing the force longer in the service of the State.

To this end I caused Adjutant General Warwick Hough to address a communication to Col. John S. Bowen, the officer in command upon our South-West border, making all necessary and proper inquiries upon the subject. The letter of General Hough and the answer of Col. Bowen, copies of which are herewith transmitted, marked A and B, will furnish the House with some of the reasons which influenced me to continue the force in the field. This correspondence, together with the remonstrances of the people upon the border against the withdrawal of the troops, which are also

herewith submitted, Marked C and D, and the letter of Col. Bowen to me, marked E, including the verbal information communicated to me by Adjutant Nugent, the bearer of Col. Bowen's letter, left no doubt on my mind in regard to my duty. I regard the people upon our border as being entitled to the protection of the government, and that it is our duty to furnish them with such protection as may be adequate to the safety and security of their persons and property.

From all the information received by me, I have been forced to the conclusion, that the immediate withdrawal of the troops would be regarded as the signal of invitation, by all the marauding bands in Southern Kansas, to renew their attacks upon our unoffending citizens, with the view of plundering the whole border country. It is greatly to be regretted, in every point of view, and especially under the embarrassed state of our finances, that the necessity is forced upon us of continuing these forces longer in active service, nor am I without hope that this necessity will, in a short time, cease to exist. This will depend, however, in a great measure, upon the aspect which our national affairs may assume. If the peace and quiet of the country could in a short time be restored, I should think there would exist no further necessity for a longer continuance of these troops in the field. But in the disarmed condition of the people upon the border, and without the means of placing them upon a footing of self-reliance and defense, I should regard it as exceedingly hazardous to the safety and security of the people upon the border to recall the forces now there. I have every reason to believe that the peaceful relations now existing upon the border among the people are owing chiefly to the presence of the troops stationed among them.

I need scarcely add, that if the General Assembly shall be enabled to adopt any system of defense and protection to our exposed frontier less expensive than the present, I shall most heartily cooperate with them in any measures looking to such a result.

Respectfully,

C. F. JACKSON.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 20, 1861

*From the Journal of the Senate, pp. 474-475*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, March 20, 1861.

*To the Senate and House of Representatives:*

I have received from the Department of the Interior at Washington, a copy of the census for 1860, exhibiting by counties the population of Missouri, which is herewith transmitted for the use of the General Assembly. Accompanying this report will be found a table setting out the population of St. Louis county, by municipal subdivisions, together, with the certificate of the Superintendent that Missouri will be entitled to nine representatives in the thirty-eighth Congress.

This table is important to the Legislature if they shall deem it advisable at this time to reorganize the Congressional Districts for the next Congressional election, and may be of service in instituting a comparison with the returns made under the State authorities.

Respectfully,

C. F. JACKSON.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MARCH 20, 1861

*From the Journal of the Senate, p. 475*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., March 20, 1861.

*To the Senate and House of Representatives:*

I herewith lay before the General Assembly, the report of the Commissioners recently appointed by the Legislature of this State, to meet Commissioners from other States at Washington City, in Convention, with the view of considering the political relations of the several States of the Federal Union.

Respectfully,

C. F. JACKSON.

TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 10, 1861

*From the Journal of the Senate, p. 77*

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*To the Senate and House Representatives:*

I have just received information that two regiments of Mr. Blair's are now on the way to the capital.

C. F. JACKSON.

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TO THE SENATE AND THE HOUSE OF REPRESENTATIVES

MAY 15, 1861

*From the Journal of the Senate, p. 53*

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EXECUTIVE DEPARTMENT OF MISSOURI, JEFFERSON CITY, May 15, 1861.

*To the Senate and House of Representatives:*

It will be seen from the enclosed communication that there is still due to the South-West Battalion some fifteen thousand dollars. The men to whom this money is due have faithfully served the State, and many of them, I understand, are now in the most destitute circumstances, with no means whatever to subsist upon. I hope, therefore, the General Assembly will at once make an appropriation sufficient to pay them off.

Respectfully,

C. F. JACKSON.

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TO THE SENATE

MAY 15, 1861

*From the Journal of the Senate, p. 54*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, May 15, 1861.

*To the President of the Senate:*

I have the honor to inform the Senate that I did, on the 4th day of April, 1861, appoint Charles McLaren, John

A. Brownlee, Basil W. Duke, and James H. Carlisle, Police Commissioners of the city of St. Louis, the first two for a period of two years, and the last two for a term of four years, in conformity to the provisions of "an act creating a Board of Police Commissioners and authorizing the appointment of a police force for the city of St. Louis;" and I respectfully ask that said appointments may be advised and consented to by the Senate.

Respectfully,

C. F. JACKSON.

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### TO THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 1861

*\*From the Journal of the House of Representatives, (Neosho-Cassville Session), p. 23*

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CASSVILLE, MISSOURI, October 31, 1861.

*To the Speaker of the House of Representatives:*

Sir—In compliance with a resolution of the House of Representatives, I herewith return a bill entitled: "An act to provide for the defence of the State of Missouri."

Respectfully,

C. F. JACKSON.

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*\*The session was begun and held in the town of Neosho, on the 21st day of October, 1861, in pursuance of a Proclamation of C. F. Jackson. Taken from (Manuscript Copy of the Journal of the House of Representatives, Neosho-Cassville Session.)*

At the second session of the State Convention, an Ordinance was passed on July 30, 1861, providing for certain amendments to the Constitution, one section of which declared vacated the offices of governor, lieutenant-governor, etc. On July 31st, the Convention elected Hamilton R. Gamble and Willard P. Hall governor and lieutenant-governor respectively, and on the same day a committee of three was appointed, "to wait upon the Hon. Hamilton R. Gamble, inform him of his election as provisional Governor of the State \* \* ." By subsequent acts of the Convention, Gamble and Hall were continued in office until January 2, 1865. (*Journal of the Missouri State Convention, held at Jefferson City, July, 1861, pp. 20-26.*)

TO THE SENATE OF THE NEOSHO-CASSVILLE  
LEGISLATURE

NOVEMBER 4, 1861

*\*From the Journal of the Senate (Neosho-Cassville Session), p. 17*

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CASSVILLE, Mo., November 4, 1861.

*To the President of the Senate:*

Sir—Since your last session I have appointed Sterling Price Major General of Missouri State Guards, and have also appointed the following named gentlemen brigadier generals of same, viz: N. W. Watkins in the first division; Thomas A Harris in the second division; John B. Clark in the third division; W. Y. Slack in the fourth division; A. E Steen in the fifth division; M. M. Parsons in the sixth division; J. H. McBride in the seventh division; James S. Rains in the eighth division; and very respectfully ask the advice and consent of the Senate to the same.

Respectfully,

C. F. JACKSON.

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*\*Taken from "Journal of the Senate, Extra Session of The Rebel Legislature called Together by A Proclamation of C. F. Jackson, Begun and Held at Neosho, Newton County, Missouri, on The Twenty-first of October, 1861." Jefferson City: Emory S. Foster, Public Printer, 1861.*

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TO THE HOUSE OF REPRESENTATIVES OF THE  
NEOSHO-CASSVILLE LEGISLATURE

NOVEMBER 8, 1861

*\*From the Appendix of the Journal of the Senate (Neosho-Cassville Session), pp. 31-32*

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CASSVILLE, BARRY COUNTY, Mo., November 8, 1861.

Sir—A House bill entitled “an act to provide for holding an election for Representatives to the Confederate States of America, and for other purposes,” has been presented to me for my approval. In yielding my assent to this bill it is due to myself that I should state the grounds upon which it is given. This most extraordinary bill in the history of legislation, has undertaken to elect Senators and Representatives to the Confederate Congress, and my approval of such election is required. It is known to every one that the Executive of the State, under the Constitution, has nothing whatever to do with the election, either of Senators or Representatives. It is equally well known that the two houses of the General Assembly in making an election of Senators meet together in joint session, and hold the election as the Constitution requires; and when it is so made the approval or the objections of the Executive have no earthly bearing upon the subject; and it is, therefore, simply an absurdity to call upon the Executive for his approval of a measure over which the Constitution has given him no power whatever. It is also equally well known that the election of Representatives to the Confederate Congress belongs exclusively to the people in their respective congressional districts, and when made by the people, in accordance with the Constitution and laws of the State, neither the Legislative nor the Executive branch of the government can set aside or give it any additional force by their approval. So far as this bill undertakes, by mere ordinary enactment, each house acting separately and independently of the other,

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*\*Idem, see p. 381.*

to elect Senators and Representatives to the Confederate Congress, it is, in my judgment, a mere nullity, having no force or effect, except to place the State in a false and ludicrous position before the world. In this respect this bill is highly objectionable in my estimation, while at the same time its constitutionality, touching these provisions, may well be questioned.

But with all my objections to these provisions of the bill, there are others in it of a character so important to the best interests of the State, that I have affixed my signature to it. The provisions of the bill relating to the appointment of commissioners or deputies to the Provisional Congress, and to the election of Representatives to the Confederate Congress by the people, have my hearty assent, and are of themselves so important that I have deemed it my duty, under all the circumstances surrounding us, to give the bill my approval.

Had time allowed for a reconsideration of the bill I should, most certainly, have withheld my assent.

I ask that this document be spread upon your journal.

Respectfully,

C. F. JACKSON.

## PROCLAMATIONS

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### CALLING A SPECIAL SESSION OF THE GENERAL ASSEMBLY

APRIL 22, 1861

*From the Register of Civil Proceedings, 1860-1861, p. 45*

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EXECUTIVE DEPARTMENT OF MISSOURI, JEFFERSON CITY, April 22, 1861.

I, CLAIBORNE F. JACKSON, Governor of the State of Missouri, by virtue of authority vested in me, by the constitution, do hereby convene the legislature of this State; and the Senators and Representatives of the 21st General Assembly, are hereby required to be and appear in their respective places, at the capitol in the City of Jefferson on Thursday the second day of May, A. D. 1861, for the purpose of enacting such laws and adopting such measures, as may be deemed necessary and proper for the more perfect organization, and equipment of the militia of this State, and to raise the money, and such other means, as may be required to place the State in a proper attitude of defence.

In Testimony Whereof I have hereto set my name and caused to be affixed the Great Seal of the (L. S.) State. Done at the City of Jefferson, this 22nd day of April, A. D. 1861.

By the Governor C. F. JACKSON.  
B. F. MASSEY, Secretary of State.

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### SUSPENDING THE EXECUTION OF A SENTENCE

MAY 1, 1861

*From the Register of Civil Proceedings, 1860-1861, p. 47*

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*To the Marshal of St. Louis County: Greeting:*

WHEREAS, by a judgment of the Criminal Court of St. Louis County *Nelson Roth* was at the last term of said Court

Sentenced to the Penitentiary for the term of seven years for the crime of Arson, and WHEREAS the said sentence of said Court requires, that said Roth be placed in the penitentiary this day. NOW THEREFORE I, C. F. JACKSON, Governor of the State of Missouri, in virtue of authority in me vested by law, and for good and sufficient reasons appearing, do hereby suspend the execution of the sentence of said Court, as above set forth, until the 15th day of June A. D. 1861.

In Testimony Whereof I have hereunto set my name, and cause to be affixed the Great Seal of  
(L. S.) the State of Missouri. Done at the City of Jefferson this 1st day of May A. D. 1861.

(Signed) C. F. JACKSON.

By the Gov.

B. F. MASSEY

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## TO THE PEOPLE OF MISSOURI

JUNE 14, 1861

*From the Missouri Republican, June 14, 1861*

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### *To the People of Missouri:*

A series of unprovoked unparalleled outrages have been inflicted upon the peace and dignity of this commonwealth and upon the rights and liberties of its people, by wicked and unprincipled men professing to act under the authority of the United States Government; the solemn enactments of your Legislature have been nullified; your volunteer soldiers have been taken prisoners; your commerce with your sister States has been suspended; your trade with your own fellow citizens, has been, and is, subjected to the harassing control of an armed soldiery; peaceful citizens have been imprisoned without warrant of law; unoffending and defenseless men, women and children have been ruthlessly shot down and murdered; and other unbearable indignities have been heaped upon your State and yourselves.

To all of these outrages and indignities you have sub-

mitted with a patriotic forbearance, which has only encouraged the perpetrators of these grievous wrongs to attempt still bolder and more daring usurpations.

It has been my earnest endeavor under all these embarrassing circumstances to maintain the peace of the State, and to avert, if possible, from our borders the desolating effects of a civil war. With that object in view I authorized Major General Price several weeks ago, to arrange with General Harney, commanding the Federal troops in this State, the terms of an agreement by which the peace of the State might be preserved. They came, on the 21st of May, to an understanding, which was made public. The State authorities have faithfully labored to carry out the terms of that agreement. The Federal government on the other hand not only manifested its strong disapprobation of it, by the instant dismissal of the distinguished officer who, on its part, entered into it; but it at once began, and has unintermittingly carried out, a system of hostile operations, in utter contempt of that agreement and in reckless disregard of its own plighted faith. These acts have latterly portended revolution and civil war so unmistakably, that I resolve to make one further effort to avert these dangers from you. I therefore solicited an interview with Brig. Gen. Lyon, commanding the Federal army in Missouri. It was granted, and on 10th inst., waiving all questions of personal and official dignity, I went to St. Louis, accompanied by Major-General Price.

We had an interview on the 11th inst., with Gen. Lyon and Colonel F. P. Blair, Jr., at which I submitted to them the proposition: That I would disband the State Guard, and break up its organization; that I would disarm all the companies which had been armed by the State; that I would pledge myself not to attempt to organize the militia under the Military Bill; that no arms or munitions of war should be brought into the State; that I would protect all citizens equally in all their rights, regardless of their political opinions; that I would repress all insurrectionary movements within the State; that I would repel all attempts to invade

it, from whatever quarter, and by whomsoever made; and that I would thus maintain a strict neutrality in the present unhappy contest, and preserve the peace of the State. And I further proposed that I would, if necessary, invoke the assistance of the United States troops to carry out these pledges. All this I proposed to do upon condition that the Federal Government would undertake to disarm the Home Guards which it has illegally organized and armed throughout the State, and pledge itself not to occupy with its troops any localities in the State, not occupied by them at this time.

Nothing but the most earnest desire to avert the horrors of civil war from our beloved State, could have tempted me to propose those humiliating terms. They were rejected by the Federal officers.

They demanded not only the disorganization and disarming of the State militia, and the nullification of the Military Bill, but they refused to disarm their own Home Guards and insisted that the Federal Government should enjoy an unrestricted right to move and *station* its troops throughout the State, whenever and wherever they might, *in the opinion of its officers*, be necessary, either for the protection of the "loyal subjects" of the Federal Government, or for the repelling of the invasion; and they plainly announced that it was the intention of the Administration to take military occupation, under these pretexts, of the whole State, and to reduce it, as avowed by General Lyon himself, to the "exact conditions of Maryland."

The acceptance by me of these degrading terms would not only have sullied the honor of Missouri, but would have aroused the indignation of every brave citizen, and precipitated the very conflict which it has been my aim to prevent.—We refuse to accede to them and the conference was broken up.

Fellow-citizens: All our efforts toward conciliation have failed. We can hope nothing from the justice or moderation of the agents of the Federal Government in this State. They are energetically hastening the execution of their

bloody and revolutionary schemes for the inauguration of civil war in their midst, and for the military occupation of your State by the armed bands of lawless invaders, for the overthrow of your State Government, and for the subversion of those liberties which that Government has always sought to protect; and they intend to exert their whole power to subjugate you, if possible, to the military despotism which has usurped the powers of the Federal Government.

NOW, THEREFORE, I, C. F. JACKSON, Governor of the State of Missouri, do, in view of the foregoing facts, and by virtue of the powers vested in me by the Constitution and laws of this Commonwealth, issue this, my proclamation, calling the militia of the State, to the number of *fifty thousand*, into the active service of this State, for the purpose of repelling said invasion, and for the protection of the lives, liberty, and property of the citizens of this State. And I earnestly exhort all good citizens of Missouri to rally under the flag of their State for the protection of their endangered homes and firesides, and for the defense of their most sacred rights and dearest liberties.

In issuing this Proclamation, I hold it to be my solemn duty to remind you that Missouri is still one of the United States; that the Executive Department of the State Government does not arrogate to itself the power to disturb that relation; that that power has been wisely invested in a Convention, which will, at the proper time, express your sovereign will; and that meanwhile it is your duty to obey all the *constitutional* requirements of the Federal Government. But it is equally my duty to advise you that your first allegiance is one to your own State; and that you are under no obligation, whatever, to obey the *Unconstitutional* edicts of the military despotism which has enthroned itself at Washington, nor to submit to the infamous and degrading sway of its wicked millions in this State. No brave and true-hearted Missourian will obey the one, or submit to the other. Rise, then, and drive out ignominiously the invaders who have dared to desecrate the soil which your labors have made fruitful, and which is consecrated by your homes!

Given under my hand as Governor, and under the great seal of the State of Missouri, at Jefferson City this twelfth day of June, 1861.

By the Governor:

CLAIBORNE F. JACKSON

B. F. MASSEY

Secretary of State.

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*DECLARATION OF INDEPENDENCE OF THE STATE  
OF MISSOURI*

AUGUST 14, 1861

*From the Missouri Republican, Aug. 14, 1861*

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In the exercise of the right reserved to the people of Missouri by the treaty under which the United States acquired the temporary dominion of the country west of the Mississippi river, in trust for the several sovereign States afterwards to be formed out of it, that people did, on the twelfth day of June, one thousand and eight hundred and twenty, "mutually agree to form and establish a free and independent republic by the name of the State of Missouri." On the tenth day of August, 1821 the State was duly admitted into the Union of the United States of America, under the compact called the Constitution of the United States, and, "on equal footing with the original States in all respects whatever." The freedom, independence and sovereignty of Missouri, and her equality with the other States of the Union, were thus guaranteed, not only by that constitution, but by the laws of nations requiring the sacred observance of treaties.

In repeated instances the government and people of the States now remaining in that Union have grossly violated in their conduct toward the people and State of Missouri, both the Constitution of the United States and that of Missouri, as well as the general, great and essential principles of liberty and free government. Their president, Abraham Lincoln, in avowed defiance of law and the Constitution of



the United States, and under the tyrant's plea of necessity has assumed to regulate commerce with foreign nations and among the several States, stopping by violence our trade with our southern neighbors, and depriving our citizens of the right, secured to them by a special, solemn compact with the United States, to the free navigation of the Mississippi river. He has usurped the powers granted exclusively to Congress, in declaring war against the Confederate States; to carry on this unholy attempt to reduce a free people into slavish subjection to him, he has, in like violation of the Constitution, raised and supported armies, and provided and maintained a navy.

Regardless of the right reserved to the States respectively, of training the militia and appointing its officers, he has enlisted and armed, contrary to law, under the name of Home Guards, whole regiments of men, foreigners and others, in our State, to defy the Constitutional authorities, and to plunder and murder our citizens. By armed force and actual bloodshed, he has even attempted to deprive the people of their right to keep and bear arms in conformity to the State laws, and to form a well regulated militia necessary to the security of a free State. With his sanction his soldiers have been quartered in houses without the consent of the owners thereof, and without any authority of law. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, has been habitually and grossly violated by his officers acting under his orders. He has utterly ignored the binding force of our constitutional State laws and carried his insolence to such an extent as to introduce from other States free negroes into our midst and to place them in positions of authority over our white citizens.

He has encouraged the stealing of our slave property. In these and other proceedings the Government and people of the northern States have unmistakably shown their intention to overturn the social institutions of Missouri, and reduce her white citizens to an equality with the blacks. In the execution of his despotic wishes, his agents, without even

rebuke from him, have exhibited a brutality scarcely credible of a nation pretending to civilization. Even women, and children of tender age, have fallen victims to the unbridled license of his unfeeling soldiery. He has avowedly undertaken to make the civil power subordinate to the military; and with the despicable and cowardly designs of thus protecting himself and his accomplices, by binding the consciences of the unhappy victims of his tyranny, he has exacted from peaceful citizens, guilty of no crime, an oath to support his detestable government. To crush out even peaceful and lawful opposition to it, he has forcefully and unconstitutionally suspended the privilege of the writ of *habeas corpus* and abridged the freedom of speech and press, by subjecting innocent citizens to punishment for mere opinion's sake, and by preventing the publication of newspapers independent enough to expose his treason to liberty.

These manifold and inhuman wrongs were long submitted to in patience, and almost in humility by the people of Missouri, and their authorities. Even when the conduct of the Lincoln Government had culminated in an open war upon us those authorities offered to its military commander in Missouri to refer to the people of the State for decision of our separation from a Government and nation thus openly hostile to us. Those authorities relied on the principles consecrated in the Declaration of Independence of the United States, that, to secure the rights of citizens, "governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." Missouri having an admitted equality with the original States which made this declaration, it was hoped that the rights therein asserted would not be denied to her people.

Her authorities also relied on the cause in the very constitution with which she was admitted into the Union, as-

serting as one of the general, great and essential principles of liberty and free government, "that the people of this State have the inherent, sole and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their constitution and form of government whenever it may be necessary to their safety and happiness." But this military commander haughtily refused the consent of his Government to the exercise by us of these rights, which our ancestors in the last century endured an eight years' war to vindicate. He but expressed, however, the deliberate purpose of his masters at Washington and the people over which they rule; for his predecessor at St. Louis had, a few weeks before, formally proclaimed to our people that our equality with the other States would be ignored; that we should be held in subjection to the North, even though the independence of our Southern sister States might be acknowledged; that, to use his own words, "whatever may be the termination of the unfortunate condition of things in respect to the so-called Cotton States, Missouri must share the destiny of the Union;" that the free will of her people shall not decide her future, but that "the whole power of the Government of the United States, if necessary, will be exerted to maintain Missouri in the Union, in subjection to the tyranny of the North."

The acts of President Lincoln have been indorsed by the Congress and people of the Northern States and the war thus commenced by him has been made the act of the Government and nation over which he rules. They have not only adopted this war, but they have gone to the extreme of inciting portions of our people to revolt against the State authorities; by intimidation they have obtained control of the remnant left of a Convention deriving its powers from those authorities, and using it as a tool, they have through it set up an insurrectionary Government in open rebellion against the State. No alternative is left us; we must draw the sword and defend our sacred rights.

By the recognized universal public law of all the earth, war dissolves all political compacts. Our forefathers gave

as one of their grounds for asserting their independence, that the King of Great Britain had "advocated governments here by declaring us out of his protection, and waging war upon us." The people and Government of the Northern States of the late Union have acted in the same manner toward Missouri, and have dissolved, by war, the connection heretofore existing between her and them.

The General Assembly of Missouri, the recognized political department of her Government, by an act approved May 10th, 1861, entitled "An act to authorize the Governor of the State of Missouri to suppress rebellion and repel invasion," as vested in the Governor, in respect to the rebellion and invasion now carried on in Missouri by the Government and people of the Northern States and their allies, their authority "to take such measures as in his judgment he may deem necessary or proper to repel such invasion or put down such rebellion."

NOW, THEREFORE, By virtue of the authority in me vested by said act, I, CLAIBORNE F. JACKSON, Governor of the State of Missouri, appealing to the Supreme Judge of the world for the rectitude of my intentions, and firmly believing that I am herein carrying into effect the will of the *People of Missouri*, do hereby in their name, by their authority, and on their behalf, and subject at all times to their free and unbiased control, make and publish this provisional *Declaration*, that by the acts and people and Government of the United States of America, the political connection heretofore existing between said States and the people and government of Missouri, is, and ought to be, totally dissolved; and that the STATE OF MISSOURI, as a SOVEREIGN, FREE AND INDEPENDENT REPUBLIC has full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things of which independent States may of right do.

Published and declared at New Madrid, Missouri,  
this fifth day of August, in the year of our Lord,  
1861.

CLAIBORNE F. JACKSON,  
Governor of Missouri.

## CALLING A SPECIAL SESSION OF THE GENERAL ASSEMBLY AT NEOSHO

SEPTEMBER 26, 1861

*\*From the Journal of the Senate (Neosho-Cassville Session), pp. 3-4*

*To the members of the Senate and House of Representatives of the General Assembly of the State of Missouri:*

The Constitution of the State of Missouri vests in me the power to convene by proclamation the General Assembly on extraordinary occasions, and requires me to state to them the purposes for which they are convened.

The present condition of the State makes it eminently proper that I should now exercise this power. The Federal authorities have for months past, in violation of the Constitution of the United States, waged a ruthless war upon the people of the State of Missouri, murdering our citizens, destroying our property, and as far as in their power lay, desolating our land. I have in vain endeavored to secure your constitutional rights by peaceful means, and have only resorted to war when it becomes necessary to repel the most cruel and long continued aggressions. War now exists between the State of Missouri and the Federal Government and a state of war is incompatible with the continuance of our union with that government.

THEREFORE, for the purpose of giving to the representatives of the people of Missouri an opportunity of determining whether it be proper now to dissolve the constitutional bond which binds us to the Government of the United States, when all other bonds between us are broken, I, CLAIBORNE F. JACKSON, Governor of the State of Missouri, by authority in me vested, do proclaim that the members of the Senate and House of Representatives of the State of Missouri shall convene at the Masonic Hall, in town of Neosho, in the county of Newton, on the twenty-first day of October, 1861.

CLAIBORNE F. JACKSON,

Governor of the State of Missouri.

DATED LEXINGTON, MO., SEPT. 26, 1861.

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*\*Idem*, see p. 381.

## APPOINTING COMMISSIONERS

SEPTEMBER 26, 1861

*From Soldiers of Missouri in Service During the Civil War, p. 242*

EXECUTIVE DEPARTMENT, STATE OF MISSOURI

Know all men by these presents, that I, CLAIBORNE F. JACKSON, governor of the State of Missouri, do hereby nominate, constitute, and appoint Edward Carrington Cabell and Thomas L. Snead commissioners on the part of the State of Missouri, to negotiate, enter into, perfect, and make a treaty of alliance, offensive and defensive, with the Government of the Confederate States of America, limited to the existing war between said Confederacy and the United States, which said treaty of alliance shall be in force from the date thereof and until the same shall be disaffirmed or annulled by the parties thereto, hereby giving to the said commissioners, or to either of them, if the other shall from any cause be unable to act, full and complete powers in the premises, and hereby ratifying and confirming all that they may do in the execution of the above-granted powers.

In Testimony Whereof I have hereunto set my name and caused to be affixed the great seal of the State of Missouri.

Done this 26th day of September, A. D. 1861, and of the independence of the State of Missouri the forty-first, at Lexington, in said State.

By the Governor:

C. F. JACKSON.

B. F. MASSEY, Secretary of State.

## CALLING FOR VOLUNTEERS

DECEMBER 13, 1861

*From Soldiers of Missouri During the Civil War, pp. 292-294*

*Officers and Soldiers of the Missouri State Guard, and Fellow Citizens:*

In the month of June last, after having exhausted every honorable means of averting the calamities of civil war, I

called upon the State for 50,000 volunteers to drive the ruthless bands of hired invaders from our soil. Before making that call, I had asked that you might have the privilege of determining at the polls in a peaceable manner your future political relations with the United States, determined on my part to abide that decision whatever it might be. That privilege—a right which belongs to every freeman—was denied you. Our enemies chose to submit your rights to the arbitrament of the sword, and we accept the issue so boastingly tendered us.

There was no alternative left. We had either to draw the sword and defend our rights, or, like slaves, submit to the worst despotism on earth. Between these I could not and did not hesitate, I chose the former, and hence, from that time to the present, grim-visaged war has stalked through our State from the Nishnabotna to the St. Francois; from the Des Moines to the Neosho, and in his trail have followed charred walls, blood-stained fields, and desolate homes.

When the circumstances by which we were surrounded are considered, it must be acknowledged that the State responded nobly to my call; and to you who left all the comforts of home and for six long months have been enduring all the hardships and sufferings of a soldier's life, too much praise and credit can not be given. Patiently have you borne the burning rays of the summer's sun, the beating storm, chilling blasts, and sickening hunger pains; and nobly have you stood upon the battlefield amid showering balls, bursting bombs, and charging horse. Yea, more than this, you have dared the burning fever, the feeble pulse, and risked the solitary grave with all of a patriot's faith and hope.

These things have you done, my brave soldiers, but our work is not complete yet, for war, with its horrors and train of suffering, still hovers over our beloved State. We are fighting for liberty, equality, and independence, and can never leave the field while the foot of an enemy shall be left to pollute our soil. Everything on earth that renders life valuable and dear to freedom is at stake, and none but the basest slave and craven coward can yield in such a con-

test. Not so with the enemy. We seek not his subjugation, his country, or his home. He can quit the field, retire to his home, and thereby give peace and happiness to a bleeding and suffering country. He can by these means at once close the unrelenting crusade which he is now waging against us.

Our enemies in the State, though impudently and arrogantly asserting that a majority of the people are on their side, have by their own conduct given most indubitable evidence that all their claims are false, or that they themselves are too cowardly to fight their own battles.

Are there any so blind among them as not to see that the predominant feeling in the State is with the South? Do they not know that an overwhelming majority of the people will never submit to the rule of an abolition despotism? Are they not aware that the usurpations of their defunct convention are almost universally condemned by the people? If all these things are not well known to them, why did the convention, at its recent sitting, rescind their ordinance of a former session, submitting their high-handed usurpations to a vote of the people for ratification? They know, and everybody knows, that the people would have put their seal of condemnation, in thunder tones, upon all their unholy deeds, had the opportunity been afforded them.

Why, if they have the majority, did they import regiment after regiment, brigade after brigade, general after general, from the ranks of Lincoln's hired hordes in the North to fight their battles in Missouri? Our friends from the South were never invited into Missouri until the Lincoln Government had quartered their Hessian troops all over the State. These troops thus quartered in our midst have been met upon every field, with few exceptions, by Missouri's sons alone, and with almost unvaried success. Now, when we have the assistance of the rich and powerful Southern Confederacy, with all her vast resources, and her gallant sons to stand by our sides, what must be the result? If any among us have hitherto entertained the idea that Missouri



can be conquered, let them at once and forever banish the delusion from their minds.

By your own strong arms and willing hearts, and dauntless courage, you have passed successfully through the darkest hour and greatest peril which can possibly attend the unholy crusade now being waged against you. Our enemies must have been brought to know that a bloody revenge must and will follow a continuance of our persecution. It cannot be supposed that a large majority of our people are to be driven from their homes and firesides, and forced to surrender up the graves of their fathers and their children to Northern invaders. This can never be done as long as a man can be found or an arm shall be left to strike a blow. Overwhelming numbers may sometimes force us to retreat; circumstances may occasionally cause us to fall back; but, as certain as God reigns in Heaven, we will return again and again, until the last man shall have perished, or we shall have reclaimed our homes.

I have said, and now repeat it, that our enemies can at any moment leave the field in safety and retire to their homes, whereas we can never lay down our arms without dishonor while an enemy shall pollute our soil with his unhallowed tread. Honor and patriotism alike forbid it. The memories of the past and hopes of the future equally forbid it. The question for Missouri to determine is now resolved into this single proposition: Shall she be the empire state of the glorious Southern Confederacy, the bright star and peer of Virginia, in the Southern constellation, or shall she ignominiously submit to the abolition yoke of Northern fanaticism—conquered, humbled, and disgraced—forced to remain under a government made tyrannical by fanaticism, disgraced by its rulers, and contemptible in the eyes of the world?

But it is useless now to argue the interest or policy of the State; our enemies have chosen to submit them both to the arbitrament of the sword, and by the sword they must be settled. There is no reason why we should shrink from the contest. The Missouri State Guard, almost single-handed,

have fought the armies of all the Western States for more than six months with unparalleled success. Their victories at Cole Camp, at Carthage, at Oak Hill, Fort Scott, Lexington, Fredericktown and Belmont cannot fail to inspire the country with renewed zeal, energy, and courage. These noble and heroic deeds have passed into history, and will form the brightest page of the crisis through which our country is passing.

My brave soldiers, now in the field, the six months for which you were called is now expiring, and many may desire to return to their homes. It is natural you should desire to do so; but let me beg you not now to turn back from the work you have so nobly begun; do not now fail when the eyes of the whole country are upon you; do not lose your glorious reputation for want of a little more patience; do not let the princely heritage of Missouri be lost to you and your children, when a few more weeks or days of perseverance may win it for you. Let me, therefore, entreat you to embrace the opportunity which is now offered you to volunteer in the service of that great young government, the Southern Confederacy—one of the brilliant stars of which is our own beloved Missouri—and fight under that bright flag which has yet known no defeat.

That the bond of union between Missouri and her Southern sisters may be more perfect, and that encouragement be given our men, and that system and unity of purpose exist which insures success, it has been determined that the present members of the Missouri State Guard shall have the liberty to reorganize under the laws of the Southern Confederacy—that our Southern brothers may have the privilege of supplying our wants and paying our troops while we fight our battles, which are also theirs. Do not let the frosts of winter deter you from embracing the opportunity. Do not fail to remember those patriotic sires who wintered at Valley Forge—let their bright example encourage you; the cause is the same—'tis liberty and equality for which we fight. You have no homes to which you can safely go; the Hessian and the Jayhawker go wherever the army is

not, and you will but put on the shackles of serfdom whenever you lay down your arms, even though it be but temporarily. I know your patriotism—you have proved it. I know your bravery—the world has seen it. I know your endurance—the cheerfulness with which you have borne your hardships has demonstrated it. Then I pray you maintain your reputation but a little while longer and Missouri will be regenerated and redeemed.

To my fellow-citizens who have not yet joined the army, I have now a word to say. Can you longer delay? Can there be yet one lingering ray of hope in your hearts that the *once* glorious Union can ever be reconstructed or reunited? Can you expect to remain as quiet spectators, tilling your fields and attending to your private speculations, while 50,000 of your brave brothers are on the "warpath?" Do you not know that absence from the field but prolongs the war, and that you are at all times liable to depredations from either party? Come out, then like men. Remember that "he who is not for us is against us!" You know as well as I that the people of Missouri are Southern people—that their sympathies, their hopes and their interests are with the South. THEN, I call upon you in the name of our noble State, now struggling for independence, to come out and help your brothers who are in the field. You cannot ask or expect them to do all the fighting, to endure all the hardships, and divide with you their glory and success. You should not expect to enjoy the reward unless you participate in their struggle for victory and independence.

C. F. JACKSON.

New Madrid, Mo., December 13, 1861.

## MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

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JANUARY 22, 1861

*From the Register of Civil Proceedings, 1860-1861, p. 31*

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The Governor issued his proclamation, in pursuance of an act, entitled "An act to provide for calling a State convention," to the Sheriffs of the several counties of the State to provide for holding of an election, to send delegates to Said Convention.

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APRIL 22, 1861

*From the Register of Civil Proceedings, 1860-1861, p. 46*

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The Governor issued his writ directed to the Sheriff of Marion County, directing and commanding him to give notice of an election to be held in said County on Tuesday the 30th day of April inst.; for a representative to the 21st general assembly to fill a vacancy caused by the resignation of J. P. Ament.

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APRIL 23, 1861

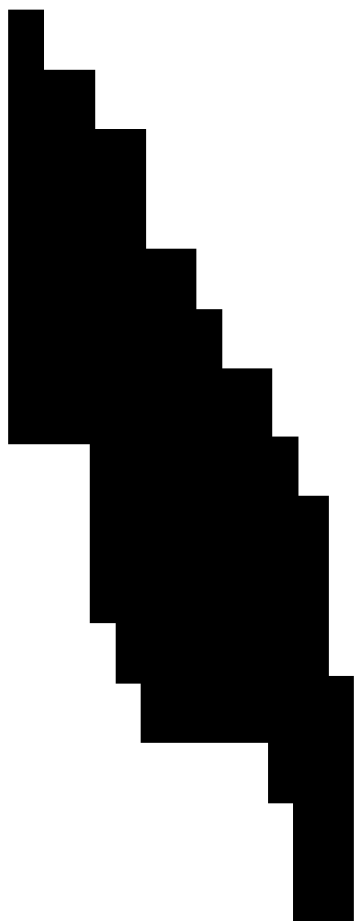
*From the Register of Civil Proceedings, 1860-1861, p. 46*

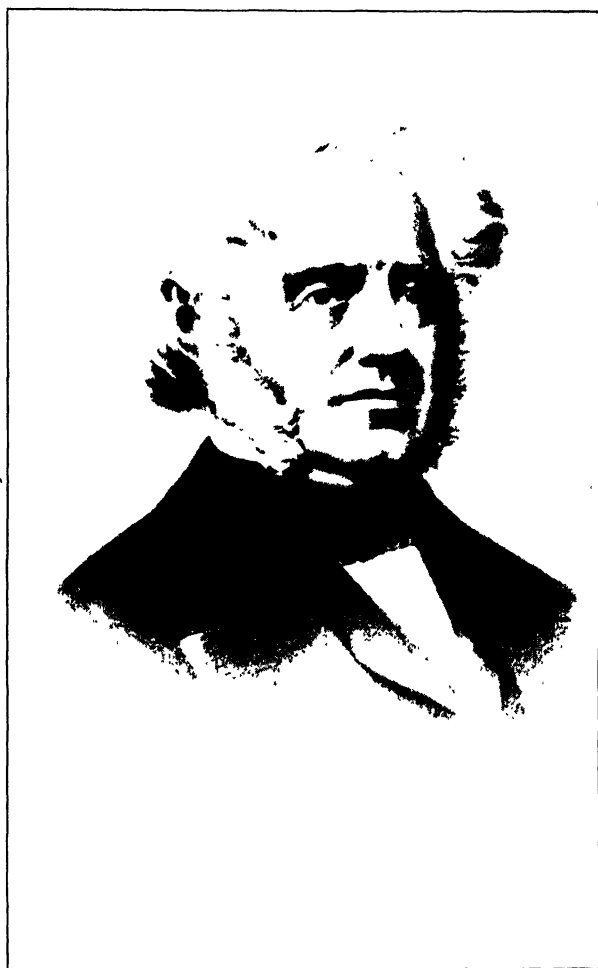
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The Governor issued his writ directed to the Sheriff of Jackson County directing and commanding him to give notice of an election to be held in said County on Wednesday the 1st day of May next for a representative to the 21st General Assembly to fill a vacancy caused by the resignation of N. C. Claiborne.



**GOVERNOR HAMILTON ROWAN GAMBLE**





HAMILTON R. GAMBLE  
Governor 1861-1864





## HAMILTON ROWAN GAMBLE

BY JAMES F. GREEN

The whole Nation was to a greater or lesser degree affected by the conflict of arms which continued from 1861 to 1865, but the situation in the so-called border states was peculiarly trying and perplexing. They were slave states, and the affections of their people were almost evenly balanced between the North and the South. In Missouri families were divided, and after the War began brother fought against brother, and father against son. About fifty thousand Missourians aligned themselves on the side of the Confederacy, and more than one hundred thousand fought for the preservation of the Union.

Among the men who sought to keep Missouri in the Union no one was more active and untiring than the subject of this sketch who served as Governor of the State from 1861 to 1864.

Hamilton Rowan Gamble was born in Winchester, Virginia, November 29, 1798, and was of Irish descent, his grandfather having emigrated from Ireland to Pennsylvania in 1753. His education was obtained chiefly in Hampden Sidney College, Virginia, and he must have commenced the study of law at a very early period, because before he was twenty-one years of age he had been licensed to practice his profession in the States of Virginia, Tennessee and Missouri. He came to St. Louis in the year 1818. His brother Archibald was then clerk of the circuit court of the city of St. Louis, and he appointed Hamilton as deputy clerk.

After familiarizing himself to some extent with the methods, practices and legal processes in vogue in Missouri, he removed from St. Louis to Howard county, locating in the town of Franklin, and later was selected as circuit attorney for the circuit which included that county.

In 1824 Gov. Frederick Bates appointed him Secretary

of State, and he removed to St. Charles, which was then the Capital of the State.

In 1827 he was united in marriage with Miss Caroline J. Coalter whose sister, Julia D. Coalter, had in the year 1823 married Edward Bates, who, in the National Republican Convention in the year 1860, received the vote of Missouri for the nomination of President of the United States. Mr. Lincoln, who was nominated by that Convention, selected Edward Bates as the first Attorney General in his cabinet. Gamble and Bates were for a time partners in the practice of law and were bosom friends. The marriages of both resulted most happily.

In the year 1826 Gamble returned to St. Louis and engaged in the general practice of law with such men as H. S. Geyer, Abiel Leonard, T. H. Benton, P. H. Hayden, and divers others of the distinguished lawyers of that day.

In 1846 he was elected to the Missouri Legislature and served one term in that body, and in the year 1851 he was elected a member of the Supreme Court of the State and became presiding judge of the court. His opinions rank with those of the ablest judges who have been members of that court, and during his term he took part in some very celebrated cases, one of them being the famous Dred Scott case.

Dred Scott was a negro slave, his master being Dr. John Emerson, an Army surgeon. He sued for freedom basing his claim upon the fact that the Doctor had taken him into the State of Illinois and thereafter to Ft. Snelling, a military post now located in the State of Minnesota.

The case was tried in the St. Louis Circuit Court and decided in Scott's favor. On appeal to the Supreme Court the case was considered by the three judges composing the court; Gamble, Presiding Judge; William Scott and John F. Ryland. Judge Scott wrote the opinion of the majority, in which it was held that the voluntary removal of a slave by his master to a state, territory, or country in which slavery was prohibited, with a view to a residence there, did not entitle the slave to sue for his freedom in the courts of Missouri.

Judge Gamble wrote a strong dissenting opinion in the course of which he said:

"As citizens of a slave holding State we have no right to complain of our neighbors of Illinois because they introduced into their State Constitution a prohibition of slavery, nor has any citizen of Missouri who removes with his slave to Illinois, a right to complain that the fundamental law of the State to which he removes, and in which he makes his residence, dissolves the relation between him and his slave."

He further says:

"There is with me, nothing in the law relating to slavery, which distinguishes it from the law on any other subject, or allows any more accommodation to the temporary public excitements which are gathered around it. It is, undoubtedly, a matter to be deeply regretted, that men who have no concern with the institution of slavery, should have claimed the right to interfere with the domestic relations of their neighbors, and have insisted that their ideas of philanthropy and morality should be adopted by people who are certainly capable of deciding upon their own duties and obligations. That the present owners of slaves, when denounced, in terms that would be appropriate, if they had actually kidnapped the slaves from the coast of Africa, or had inherited the fortunes accumulated by such iniquitous traffic, should feel exasperated by such wanton and unfounded attacks, is but natural. That alienation of feeling and, finally, settled hostility will be produced by this course of conduct, is greatly to be apprehended. But, in the midst of all such excitement, it is proper that the judicial mind, calm and self-balanced, should adhere to principles established when there was no feeling to disturb the view of the legal question upon which the rights of parties depend.

"In this State it has been recognized from the beginning of the Government, as a correct position in law, that a master who takes his slave to reside in a State or territory where slavery is prohibited, thereby emancipates his slave."

Some time after the judgment of the Supreme Court of Missouri, Dred Scott and his family were sold to a man named Sanford, who was a citizen of New York. This diversity of citizenship caused Scott to again sue for his freedom—this time in the United States Circuit Court at St. Louis. The latter case was tried in 1854 and resulted in a judgment to the effect that Scott and his wife were slaves, and the property of Sanford. The case finally found its way on appeal to the Supreme Court of the United States and was twice argued.

At the second hearing Messrs. Montgomery Blair of

Missouri, and George F. Curtis of Boston argued the case on behalf of Scott; and Senator H. S. Geyer of Missouri, and Reverdy Johnson of Maryland, for Sanford, and it has been stated that all these distinguished attorneys rendered their services without compensation.

An opinion was written in the case by each of the nine Judges of the United States Supreme Court, the several opinions occupying 234 pages of the printed volume containing the case.

In the majority opinion which was written by Chief Justice Taney, it was held that Scott was not a citizen of Missouri in the sense in which that word is used in the Constitution, and for that reason the Federal Court had no jurisdiction in his case. It was further held that Scott's claim to freedom was a Missouri question which had been decided against him by the Missouri courts. The decision caused widespread discussion, which was continued during the presidential campaign in the year 1860.

Judge Gamble resigned from the Supreme Court November 15, 1854, and was succeeded January 1, 1855 by Abiel Leonard of Howard county, who had been elected by the people.

The great event of Gamble's life and which will cause his name to go down to posterity as a public benefactor, was his administration of affairs as Provisional Governor of the State.

He had temporarily removed to the State of Pennsylvania for the purpose of educating his children, and while there the Legislature of Missouri passed an act calling for the assembling of a State Convention for the purpose of taking into consideration the relation of the State to the Federal Government. At its second meeting the Convention declared the state offices vacant and selected Gamble as Governor and Willard P. Hall as Lieutenant Governor.

The proclamations and state papers of Governor Gamble will be found in their proper place in this volume. They indicate his earnest allegiance to the general government and breathe a spirit of devotion to the Union.

In his Thanksgiving Proclamation in the year 1862, is the following, which is worthy of consideration for its beauty of expression, as well as for the deeply religious feeling of its author:

"Although man's madness may have brought incalculable evils upon our State, we may contrast the evils thus produced with the beneficent results of a kind Providence acting for our good—

"We have heard the 'confused noise,' of battle and 'seen the garments rolled in blood,' while He has kept still the tempest, the whirlwind and the earthquake, the ministers of His wrath.

"We have seen the mother, the wife, the sister, clad in the garments of mourning and we knew that man had brought the war while He held back the 'pestilence that walketh in darkness' and tempered the atmosphere to the preservation of our lives and health.

"We have seen man wasting and destroying while He points us to the rich harvests which He has given and calls us to praise Him 'for his goodness to the children of men.'

"Let us then praise Him with thankful hearts and express our joy that He reigns, and that He has been merciful to us amidst the calamities which man has brought upon us, and let us rejoice for the assurance that He will even 'cause the wrath of man to praise Him'."

During the terrible ordeal of war through which our State passed, Gamble stood like a faithful pilot at the helm and carried us safely through the breakers that threatened the destruction of the "Ship of State," but the arduous duties of his office, added to the great mental anxiety which he endured, proved too much for his physical constitution and on January 31, 1864, he departed this life at his residence in St. Louis. Governor Hall assumed the duties of chief magistrate.

Strangers visiting St. Louis will find in the hall of the Mercantile Library a full length portrait of Governor Gamble, which is said to be not only an admirable painting, but an excellent likeness of the Governor.

After his death the Bar of St. Louis assembled and paid their tribute to his memory; the lawyers attended his funeral in a body, and on the day of the funeral business was suspended in the City for almost the entire day. An able and impressive sermon was delivered in the Walnut Street Presbyterian Church by the Reverend Dr. Brooks.

Hon. Thomas T. Gantt, one of the most eminent lawyers of Missouri and at one time Judge of the St. Louis Court of Appeals, thus spoke of Governor Gamble:

"As a lawyer he was well and deeply read. The clear, logical mind which God gave him had been enriched and disciplined by close and various study. His singularly retentive memory enabled him to apply with scarcely an effort, the stores of his vast learning. He had the faculty of discovering, almost at a glance, the strength and the weakness of every case which was laid before him. His presentation of the strength of his own cause was in all respects excellent. He did not fatigue the Court or jury by trivial points, or a rambling discourse which left his hearers doubtful what his own opinions of the merits of his case really were, but he boldly and plainly staked his cause on the strong points of his case."

Judge John F. Phillips in an address at Columbia, Missouri, speaking with reference to conditions in Missouri in 1861 said:

"The state being without an executive head, almost in a condition of civil anarchy, the convention persuaded Mr. Gamble to accept the office of Provisional Governor. Amid scenes of turbulence, hot passion and the red fool fury of factional strife, spreading distraction all round him, with grim determination to bring order out of confusion, to substitute law for the sword, and the courts for the provost marshal, with eyes never deflected from the pathway of high duty, he stood at his post, and died with his armor on."

Few men have had as varied an official career as Mr. Gamble; first, as Deputy Clerk of the Circuit Court; then Prosecuting Attorney; then Secretary of State; next a member of the Legislature; after this a Judge of the Supreme Court; and following his service there becoming a member of the State Convention which met to consider the relation of this State to the Federal Union. He was selected by that body as provisional Governor.

None of the War Governors were confronted with problems more difficult of solution than he, and none disposed of them with greater tact, courage and fidelity than Hamilton R. Gamble.

## \*INAUGURAL ADDRESS

JULY 31, 1861

*From the Proceedings of the Missouri State Convention, pp. 134-135*

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*Mr. President and gentlemen of the Convention:*

I feel greatly oppressed by the circumstances under which I now stand before you. After a life spent in labor I had hoped that I would be permitted to pass its evening in retirement. I have never coveted public office, never desired public station. I have been content to discharge my duties as a private citizen, and I hoped such would be my lot during the remainder of my life. Circumstances seemed to make it a duty for me when this Convention was first elected, to serve as one of its members, because the condition of the State and country at large seemed to demand that every citizen of the State should throw aside his own preferences, choice, and even his own scheme of life, if necessary, in order to serve the country. In accordance with what I regarded as the obligation every citizen owes to the community of which he is a member, I allowed myself to be chosen as a member of this body. I came here and endeavored, so far as I could, to serve the best interests of the State, and you now have chosen to put upon me a still more onerous and still more distasteful duty—a duty from which I shrink. Nothing but the manner in which it has been pressed upon me, ever would have induced me to yield my personal objections to it. The members of this body, in the present distracted state of the country, have come to me since it was clearly manifested that the office of Provi-

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\*At the second session of the State Convention, an Ordinance was passed on July 30, 1861, providing for certain amendments to the Constitution, one section of which declared vacated the offices of governor, lieutenant-governor, etc., On July 31st, Hamilton R. Gamble and Willard P. Hall were elected governor and lieutenant-governor respectively, and on the same day a committee of three was appointed, 'to wait upon the Hon. Hamilton R. Gamble, inform him of his election as provisional Governor of the State \* \* .' By subsequent acts of the Convention, Gamble and Hall were continued in office until January 2, 1865. (*Journal of the Missouri State Convention, held at Jefferson City, July, 1861, pp. 20-26.*)



sional Governor would be made, and have urged that I should allow myself to fill that position. Nor was it the action of any political party—men of all parties have united in it. Those who have belonged to the parties that have all departed in the midst of the present difficulties and trials of the country, have united in making this application to me. They have represented that my long residence in the State and the familiar acquaintance of the people with me, would insure a higher degree of confidence, and better secure the interest, the peace and order in the community, than would be consequent on the selection of any other person. I resisted. God knows, there is nothing now that I would not give within the limits of anything reasonable in order to escape being appointed. But when it was said to me, by those representing the people of the State, that I could contribute, by assuming this public trust, to secure the peace of Missouri, in which I have lived for more than forty years; that I might secure the peace of those who are the children of fathers with whom I was intimate, I thought it my duty to serve.

It is, therefore, an entire yielding up. It is the yielding of all my own schemes, of all my own individual wishes and purposes, when I undertake to assume this office. I could give you, gentlemen of the Convention, no better idea of my devotion, to what I believe to be the interest of the State, than I do now, if you could only understand the reluctance with which I accept the election with which you were pleased to honor me. But yet, gentlemen, with all that has been said of the good result to be accomplished by me, it is utterly impossible that any one man can pacify the troubled waters of the State; that any one man can still the commotion now running throughout our borders. No man can do it. You, as you go forth to mingle with your fellow-citizens throughout the land, look back upon this election as an experiment that is about to be tried to endeavor to pacify this community and restore peace and harmony to the State. It is an experiment by those whose interests are with your interests, and who are bound to do all in their power to

effect this pacification of the State. It may be we have not adopted the best plan or the best mode of securing the object which we desire, but we have done what seemed to us in our maturest judgment best calculated to accomplish it. And now, gentlemen, when you go forth to mingle with your fellow-citizens, it must depend upon you what shall be the result of this experiment. If you desire the peace of the State—if you earnestly desire it, then give this experiment fair trial—give it a full opportunity of developing all its powers of restoring peace. I ask of you—I have a right to ask of every member of this Convention—that he and I should so act together as will redound to the common good of our State. I feel I have a right to ask that when you have by your voice placed me in such a position, that you shall unite with me your efforts and voice, instead of endeavoring to prevent the result we all desire. Unite all your efforts so that the good which is desired may be accomplished; and with the blessings of that Providence which rules over all affairs, public and private, we may accomplish this end for which we have labored and which shall cause all the inhabitants of the State to rejoice.

Gentlemen of the Convention, what is it that we are now threatened with? We apprehend that we may soon be in that condition of anarchy in which a man when he goes to bed with his family at night, does not know whether he shall ever rise again, or whether his house shall remain intact until morning. That is the kind of danger; not merely a war between different divisions of the State, but a war between neighbors, so that when a man meets those with whom he has associated from childhood, he begins to feel that they are his enemies. We must avoid that. It is terrible. The scenes of the French revolution may be enacted in every quarter of our State if we do not succeed in avoiding that kind of war. We can do it if we are in earnest, and endeavor with all our power. So far as I am concerned, I assure you that it shall be the very highest object—the sole aim of every official act of mine—to make sure that the people of the State of Missouri can worship their God together, each

feeling that the man who sits in the same pew with him, because he differs with him on political questions, is not his enemy, that they may attend the same communion and go to the same Heaven. I wish for every citizen of the State of Missouri, that when he meets his fellow-man confidence in him may be restored, and confidence in the whole society restored, and that there shall be conversations upon other subjects than those of blood and slaughter; that there shall be something better than this endeavor to encourage hostility between persons who entertain different political opinions, and something more and better than a desire to produce injury to those who may differ from them.

Gentlemen, if you will unite with me, and carry home this purpose to carry it out faithfully, much can be accomplished, much good can be done; and I am persuaded that each one of you will feel that it is his duty, his individual duty, for in this case it is the duty of every American citizen to do all he can for the welfare of the State. I have made no elaborate preparations for an address to you on this occasion, but I have come now to express to you my earnest desire that we shall be found co-operating for that same common good in which each one of us is equally interested; that, although differing as to modes and schemes, we shall be found united in the great work of pacification.

H. R. GAMBLE.

## MESSAGE TO THE THIRD SESSION OF STATE CONVENTION

OCTOBER 11, 1861

*From the Journal of the Missouri State Convention, pp. 4-5*

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Friday Morning, October 11, 1861.

*To the Convention of the State of Missouri:*

In the exercise of the power which you have conferred upon me, I have called the body to assemble at this time, to consider and adopt such measures as the welfare of the State may require.

Although there is no constitutional requirement that I should communicate to you my views of the condition of the State, or recommend any measures for your adoption, yet there seems to be a propriety in my stating the reasons for calling you together at this time.

You need not be informed by me that, throughout the length and breadth of the State, there is now existing a civil war that threatens the destruction of all government, and strikes at the very foundations of society. You are acquainted already with the situation of affairs in our State.

The obligations which rest upon the chief executive to preserve order and peace in the community, to enforce the laws, and to suppress, by force, all combinations against the State, require that more efficient measures for the organization of the military power of the State should be adopted than now exist. The act of 1859, which you revived at your last session, and made the law for the organization of volunteer forces, is found, upon trial, to be a most inefficient law in the present times, which require promptitude and energy.

It is therefore assigned as one of the principal reasons for calling the Convention, that you should adopt a military law more simple and more efficient than that now existing.

You are aware further, that the treasury of the State is empty. The Treasurer reported to me on the 24th of Septem-

ber last, that there was in the treasury \$21,422.73, which was subject to a deduction for coupons paid by the Bank of the State on the old debt, the amount of which coupons he had not ascertained. The whole of the sum thus reported in the treasury is, in all probability, already absorbed by the payment of the salaries of civil officers. At this time the Sheriffs in very many of the counties are resigning their offices, in order to avoid the duty of collecting the taxes, which is supposed to be impracticable.

Under these circumstances, it is apparently impossible to provide means by existing laws for the payment of the ordinary expenses of the government, and it is manifestly impossible to provide, by any system of taxation, for the extraordinary expenses of a military force.

That you might devise some scheme for raising the money, which is indispensably necessary to support troops, and to defray ordinary expenses, was another reason for calling you together.

Beyond these two reasons for the call, it is believed by many, and the opinion has been expressed to me, that the election for State officers, ordered at your last session, to take place on the first Monday of November next, cannot be held, so as to obtain a fair expression of the public will. In the disturbed condition of the State, with many citizens absent from the State, with excitement existing throughout our whole limits, so that in some districts citizens entertaining one set of opinions would not be permitted to vote, while, in other sections, those holding opposite opinions would be denied the right of suffrage, it is obviously impossible to have a fair vote taken.

As I concur in the opinion thus expressed, this question of postponing the election is submitted to your consideration, without any reasoning on my part, in favor of the postponement.

It is proper for me, while calling your attention to this subject of the election, to remind you, that when I was chosen to fill my present position of Provisional Governor, I was chosen to exercise the executive functions until the

first Monday of November; yet as the words of the ordinance are, "and until his successor shall be duly elected, and qualified," the effect of a postponement of the election will be to continue me in office for a longer period than was contemplated by the Convention when I was chosen, or by me when I accepted the office. It is proper, therefore, that you should, at this time, select a person to discharge the executive duties during the prolonged period that will elapse before an election can be held. In making such selection, you will remember, that you have the whole State from which to make the choice, without confining yourselves to the members of the Convention. It is not necessary that I remind you, that the only basis of a safe choice is the good of the people, without regard to personal predilections, or party relations. The motto on our State arms, "*Salus populi suprema lex esto*," furnished a safe guide in all our public action.

There are other matters upon which there is a desire among the people that you should act, but which, as they have no connection with the duties of the office I hold, and as they partake of the character of ordinary legislation, I forbear to mention in this communication.

H. R. GAMBLE.

## MESSAGE TO FOURTH SESSION OF STATE CONVENTION

JUNE 2, 1862

*From the Journal of the Missouri State Convention, pp. 4-9*

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*Gentlemen of the Convention:*

You have again been called together because there is no other body in existence that can adopt the measures which the present condition of the State demands.

In order to a proper understanding of our condition, and to a judicious exercise of the powers with which the Convention is clothed, it may be profitable to glance rapidly at the events which have occurred within the past year.

After the adjournment on the 22nd day of March, 1861, and after you had solemnly expressed the judgment of the people of the State that there was no sufficient cause for disturbing the relations existing between the State and the United States, there was manifested on the part of those exercising the executive and legislative powers of the State a persistent purpose to dissolve our connection with the General Government, and attach us to what is called the Southern Confederacy. This purpose was exhibited in acts tending to a military collision between the State and General Government, and finally produced the battle of Boonville on the 18th day of June last.

From that time the Governor fled before the military authority of the United States, charged as a citizen of the United States with treason against his Government; other high executive officers and many of the members of the Legislature being implicated in the same charge of treason, in like manner fled, and abandoned their offices. Thus it happened that when you again assembled, in July last, you found the State Government in ruins, with no magistracy in a condition to exercise the powers which were conferred upon them by the Constitution, in order to maintain

the peace of the State and the security of the people. It was among the wise orderings of a kind Providence that the Convention should, at such a crisis, be in existence, and capable of meeting the emergency. The alternative was presented to you of allowing the State Government to remain in ruins, with anarchy universally prevailing, with no power to preserve order, except as it might be exercised by a soldiery chiefly from other States, or attempting to rear again the Government of the State, that the reign of law might be re-established. You chose the latter, and organized the Provisional Government. Your power to do so cannot be successfully questioned. The necessity for your action will be admitted by every person who understands what was then the condition of the State, and the wisdom of your action would seem to be established by the improvement that has since taken place in our condition.

If we look back to the time of establishing the Provisional Government, we will see such a state of affairs, as might well have justified a feeling of despondency as to the restoration of peace and order. Civil war was fully inaugurated; the popular mind was greatly inflamed; disregard of law universally reigned; there was no military force to enforce law and preserve order; there were no arms belonging to the State to put into the hands of a military force if we had had one; there was no money in the treasury with which to purchase arms or subsist soldiers; there was no State credit upon which to raise money; and, moreover, a very large majority of all the public offices of the State were in the hands of persons hostile to the Government of the United States, sympathizing with those engaged in the rebellion, and opposed to your attempt to restore peace. Under such circumstances, it was not surprising that some should have despaired of the success of the experiment to restore a quick and peaceful administration of the State Government. Yet it was the only hope that was left to those who really desired to preserve the State Government in actual operation.

In order to prepare a force to preserve the peace of the State, a call was made for forty-two thousand volunteers, on



the 24th of August last, to serve six months. After this call was made, many hindrances were thrown in the way of its being answered, Officers and men belonging to regiments in the service of the United States, depreciated the State service by representing the utter uncertainty of the men ever receiving either their pay, clothing, or subsistence. These representations were made, not only by persons raising troops as Missouri volunteers, but by others who were in regiments belonging to other States, who desired to swell their own ranks. Unfortunately the real state of facts gave too much color of truth to these representations, and rendered them the more effectual hindrances to the raising the number of volunteers called for. Still, more than six thousand men volunteered, and were organized into battalions and regiments, under the act of 1859, which had been re-enacted by the Convention.

As the recruiting advanced, the difficulty of providing arms and subsistence became more apparent, and as applications to the Commanding General of the Department for arms were unavailing, it became necessary to have a personal conference with the authorities at Washington. By such conference, arms were obtained, and the sum of \$200,000 was advanced by the United States, out of an appropriation made in July last for the purpose of aiding the loyal citizens in States where rebellion existed. With this comparatively small sum, the attempt was to be made to provide the absolute necessities required by the troops, particularly the articles which could be purchased only with cash. And it is proper here to bear testimony to the patient fortitude with which they bore the privations to which they were subjected. It was plainly impossible to supply them out of this sum with the full allowance to which soldiers in the service of the United States are entitled, and it became indispensably necessary to practice the greatest economy in order to provide them even with indispensable necessities. One of the most painful duties was to be obliged to listen to the recital of their wants, with the knowledge that they could not be promptly met. As the period approached at which they

ought to be paid, the difficulty of meeting their reasonable demands for pay was to be met. Your ordinance, passed at the October session, provided for meeting the expense of the whole force, by authorizing the issue of Defence Warrants not to exceed a million of dollars. This measure relieved the Executive from the apprehension of immediate embarrassment, but was inadequate to the full support of any considerable force for a long period. It was plainly necessary that some more permanent provision should be made in order to make the force large enough to be efficient, and at the same time free the State treasury from a burden it could not bear.

In order to accomplish this end, another personal conference was sought with the President, and, as the result, an arrangement was effected under which the Government of the United States undertook to bear all the expense of a military force to be raised for the defence of the State during the war, to be organized in the manner provided for the organization of the volunteers in the service of the United States. It was thought that this arrangement would be at once received by the troops already in the service of the State as a guarantee of future, certain and regular subsistence and pay, and that they would promptly embrace the proposition to organize under it. But as they were already entitled to pay which they had not received, and as many of them could not leave their families to serve in distant parts of the State during the war, it was found that they hesitated to engage in the new service.

It was apparent that to have two classes of troops at the same time in the service of the State, one supported and paid by the United States and the other by the State, would produce endless confusion and difficulty. The expense of the force organized under the act of 1859 was greatly enhanced by the great proportion of officers allowed for the number of men enlisted as privates. It was, therefore, judged necessary to the interest of the State and of the service, to pay off the six months' men and disband them, in order that those who could serve for the war might engage

in the force about to be raised and supported at the expense of the United States.

The arrangement made with the President gave an impetus to the enlistment of volunteers, but a construction was given to the agreement which required a whole company of eighty-three men to be raised before the men could be subsisted, clothed and paid by the United States. Although there had been received from the United States an additional sum of \$250,000, it became apparent that this money would soon be consumed in furnishing subsistence and clothing to recruits until each company was ready to be mustered into service with eighty-three men. It became necessary, therefore, to have again a personal conference with the authorities at Washington, in order to have the agreement carried out in its true spirit. This was effected, and the men were ordered to be mustered into service singly as they were recruited, and to receive their subsistence and clothing at once from the proper officers of the United States.

When the military service of the State was placed upon this basis, it was immediately apparent that all difficulty in raising an adequate force was removed. Authorities to raise regiments and companies, and to raise recruits generally were given out, and all was progressing well when Congress interposed and limited the number to be paid to ten thousand men. Orders had to be issued to stop recruiting, but as the returns came in it has been found that we have more than twelve thousand men, and it remains to be known whether Congress will, with the liberality which has characterized the conduct of the Executive Department towards us, provide for the payment of this excess. When the order to stop recruiting was issued, it found fragments of regiments which had to be consolidated, often requiring several to make a complete regiment. This necessity, of course, produced dissatisfaction among persons who had expected to command regiments, but found themselves reduced to lower field officers in the consolidated regiments. The duty of making the consolidation, however, was unavoidable. There are now fifteen regiments and two battalions, with

two batteries of artillery in the field, all fully equipped and armed, ready to serve in any portion of the State where an enemy may appear. The men are our own people. The officers are chiefly selected from our own citizens, and as all will be held responsible for wrongs committed upon the people of the State, there is every reason to anticipate that the rights of the people will be respected.

It was a part of the arrangement made with the President, that, in order to preserve unity of command, the Major General of the Department should be commissioned Major General of the State militia. Maj. Gen. Halleck is, therefore, the Major General of the Missouri State Militia. The immediate command has been by him turned over to Brigadier General Schofield, of the volunteer service, commissioned Brigadier of the State troops. He is a regularly educated and talented officer of the Army of the United States, distinguished in actual service, and has rendered to the State very valuable assistance in organizing our forces and selecting the officers.

The other Brigadiers of the State militia are Gen. Loan, Gen. Totten, and Gen. Brown, all of whom have been selected on account of their qualifications to command forces within the State. Gen. Totten is known to the country as an officer of the regular army, who distinguished himself as an officer of artillery at the battle of Wilson's Creek.

Considering the extent of the country to be covered, the force is small, but they are capable of rapid movement, and can be soon concentrated wherever they are required.

This is given as a brief but sufficient statement of what has been done to provide a military force for the preservation of the peace and order of the State, and it would be wrong to conclude it without expressing a high sense of the obligations we are under to the Government of the United States for the promptitude and liberality with which our most pressing wants have been supplied.

In paying the troops that have been called into service for six months, and in defraying the expenses incurred in the support of that force, there has been issued to the dis-

bursing officers the sum of \$720,000 in Defence Warrants, and there will have to be issued a further amount, which may swell the aggregate to \$775,000. The amount in circulation has already been reduced \$100,000, by receipts into the Treasury for the taxes of 1861 from only forty-one counties. It will, therefore, be seen that the whole amount issued will very soon be absorbed. Most unfortunately for the men who received this paper for their services, efforts were too successfully made to depreciate it, as well by those who were opposed to the Government, as by those who sought only their own profit by speculating in it. Thus, at one time it fell to seventy cents on the dollar, and afterwards rose to eighty and eighty-five. Yet its ultimate redemption is, in fact, better secured than that of any bank paper in the State, because it is receivable in payment of taxes—when the taxes of a single year would absorb it all; and it has a specific collateral security of bank stock pledged to its redemption. And, moreover, the debt was incurred in doing what the United States Government was bound to do—that is, in defending the State against those who were in insurrection against that Government, and therefore that Government is bound to bear the burden of this debt. This, no doubt, will be attended to by the Senators and Representatives of the State in Congress. Under such circumstances, it is to be regretted that the soldiers to whom the paper was issued have been obliged by their necessities to submit to the extortion of money-changers.

Turning now to the financial condition of the State, we find that the Provisional Government commenced with a prospect as little flattering as could well be conceived.

There was so small a sum in the Treasury, and it subject to previous appropriations, that it is right to call the Treasury empty. Our credit was gone, because we had already failed to pay our July interest. The sheriffs of counties rather than attempt to collect the taxes of last year, were resigning their offices, and such was the state of the country that there appeared but little ground to hope that money sufficient would be collected to carry on the government.

Even now, after quiet has been restored in a large part of the State, the Auditor reports that but in forty-one counties have the Sheriffs receipted for the tax books of 1861. These are chargeable with revenue to the amount of \$604,220, and they have paid in \$253,386. Besides this sum, there has been received for licenses from St. Louis county, \$26,038, making an aggregate of receipts for the taxes of 1861, of \$279,425. Of the amount paid into the Treasury, about \$100,000 has been paid in Defence Warrants.

Although it is impossible to present to you an accurate statement of the amount of uncollected taxes for the year 1861, it will be seen that it must be very large, when from the forty-one counties in which the Sheriffs have received the tax books, \$350,834 remains to be paid into the Treasury, and there are seventy-three counties in which the collection has not yet been attempted.

As it is unknown how far the Convention will feel itself required to deal with the financial questions that belong to ordinary legislation, no scheme of action will be submitted here with a view to expedite the collection of the revenue due the State. The officers in the different counties are finding it more easy to make collections as the peace of the country becomes better established; and while there are still many counties in which officers have not been appointed, because in their disturbed condition no suitable persons have been recommended, yet the number is slowly diminishing, and with the restoration of quiet will begin the collection of revenue.

The Auditor will report to you the state of the finances, and will make such suggestions as, in his opinion, are important in relation to the revenue.

You will see from this brief statement, that the Provisional Government is not in a worse condition, financially, than when it was established. It is true that another instalment of interest upon our bonds has become due and is unpaid; but it may be assumed that the holders of our bonds have not expected us to pay the interest when the tide of war was rolling over our State, and that they will

not find in our failure to pay, under such circumstances, any reason to doubt our purpose to pay ultimately.

Your ordinance, passed at your October session, vacating the offices of those who refused to take the oath of allegiance therein prescribed, has occasioned numerous changes among the holders of offices. There still remain many offices to be filled, as the progress in obtaining information about persons suitable to be appointed has been in some parts of the State very slow.

So far as is known, the appointments have given general satisfaction, and there is reason to hope that the interests of the State have not suffered by the change.

There is an ambiguity in this ordinance which would now require too much time to state, but which will need a short explanatory ordinance. The matter will be brought to the attention of some one of your committees.

In this glance at the principal operations of the Provisional Government, it is hoped that you will find the result to be that much good and no evil has been done, either to the people or to the principles of Constitutional Government.

In the largest part of the State, courts of justice are open, and the law regularly administered. The people are generally pursuing their ordinary vocations in peace and security, and confidence is being gradually though slowly restored.

It is true that in some parts of the State there are yet disturbances, and crimes the most brutal are perpetrated by outlaws, who would fain conceal the base character of their enormities by calling them guerrilla warfare. They can propose to themselves no end but the gratification of a fiendish malignity. Certainly neither patriotism nor humanity can sanction their conduct. It is believed that a sufficient force is provided to compel them to peace.

Although our State has been visited by a class of troops who came with feelings of hostility to our people and to our institutions, and who, under the guise of supporting the Union, perpetrated enormous outrages upon our citizens,

yet successful measures have been adopted for the security of our people and for the removal of such troops, so as to relieve us from their presence in the future.

The thought has often presented itself, suggested by the conduct of such troops, that if the armies which have marched over every part of our State had come into and marched through it as through a country that was altogether hostile, we should have found ourselves now in a country altogether desolated.

But it may be ascribed to the Convention, and to the kindness of a controlling Providence using the Convention, that, although the State has suffered greatly, it has not been entirely ruined.

And if the effort to restore the State Government should be entirely successful, and peace and prosperity once more should be established in the State, the praise will be given by a happy people, first to God who rules all nations, and under Him to the patriotism and wisdom of the Convention which He has employed.

But the work is not yet completed, and still demands that all the wisdom and energy of all the true friends of the State should be employed in harmonious counsel and united action in building up and cementing the fabric we are laboring to rear. It would be most disastrous if the laborers engaged in this patriotic work should allow themselves to be diverted from their undertaking by anything that will distract their attention or diminish their energy.

In the call under which you are now assembled, one subject is mentioned as requiring your action—that is, dividing the State into Congressional Districts.

We are entitled to nine Representatives in the next Congress, and it is required that they should be elected by districts.

In these times of extreme ultraism, our Representatives should appear in the House, as elected in such manner as to be entitled to their seats without question. It is true that on a former occasion of increase in our Congressional representation, the General Assembly adopted a plan of electing



the additional members without there having been new districts provided for them before the general election. But in present circumstances, it is not prudent to leave any question of their right open to discussion.

It is altogether questionable whether our plan of electing members of Congress, some seventeen months before they ordinarily take their seats, is wise.

In times like the present, when new and startling questions are frequently arising, the Representative who may be elected in August, 1862, may find all the questions with reference to which he was elected, settled when he takes his seat in December, 1863, and that new and more momentous issues have arisen since his election, upon which his constituents have not expressed their will.

Although it is time that, upon an extraordinary occasion, Congress may be called so as to require his attendance before the first Monday in December, yet such are exceptional cases, and do not affect the principle that the Representative ought to be chosen because of the conformity of his opinions to those of his constituents upon the questions upon which he is to act.

There are other strong objections to our time of electing members of Congress, but as it is not intended to make any recommendations upon this subject, time will not be occupied in stating them.

In your ordinance, passed at your July session, establishing the Provisional Government, it was provided that an election of executive officers should be held in November, and that at that election a vote should be taken upon the question whether your action in establishing such government should be ratified. The vote was subsequently postponed until the general election in next August.

It is submitted for your consideration, whether that part of the ordinance ought not to be annulled.

More than 30,000 of our people are volunteers in the service of the United States, most of the number being out of the State. Their voice should be heard on a question so vitally affecting their State, and yet it has been found

that all votes in military camps, taken under laws that have directed such votes, have afforded opportunities for imposition, which it is almost impossible to guard against. It is clearly right that the voice of this class of citizens should be heard, but to take their votes in distant camps involves too much of imposition to be attempted.

There is another consideration of the greatest moment. The question to be voted upon is, under existing circumstances, not a question between the Provisional Government and some other administration of the State Government, but between the Provisional Government and no government at all; for every person knows that the former executive officers would be immediately arrested for treason if they came within reach of the officials of the United States. After the Provisional Government has been in operation for a year no such question ought to be considered open to discussion.

Whether you should think it necessary or not to require any oath of loyalty as a general qualification for all voters at the approaching August election, it is submitted to you as a matter demanding your action, that an oath of office beyond that prescribed by the Constitution should be required of all persons who may be elected to office. The oath prescribed by the Constitution is so general, that, though its terms, when rightly understood, comprehend the great duties of a citizen to his Government, yet it fails to impress the minds of those who take it with a clear idea of the obligation it imposes.

Again, the oath thus prescribed is altogether prospective in its requirements, but the State should be protected against persons who have in the past been unfaithful.

These are the subjects which at this time most require your attention.

H. R. GAMBLE.

## FIRST BIENNIAL MESSAGE

DECEMBER 30, 1861

*From the Journal of the House of Representatives, pp. 13-25*

*Fellow Citizens of the Senate and of the House of Representatives:*

I congratulate you and the State, upon the fact, that at last a loyal General Assembly is convened.

Two years since there was assembled in the halls you now occupy a Legislature chosen by the people in a time of profound peace to legislate for the welfare of the State, a majority of whose members in defiance of the will of the people and in open contempt of their own oaths conspired to place the State in armed hostility to the Government of the United States, and madly determined to attempt the overthrow of that Government.

Encouraged and sustained by secret organizations through the State, they were misled to the belief that the people were ripe for revolt, and in order to cover their treason with an apparent popular approval they ventured to call a Convention with the confident expectation that it would participate in their criminal designs. The people in the election of delegates to the Convention gave a most emphatic rebuke to their disloyal representatives. No one delegate was elected who professed hostility to the United States. All claimed to be friends of the Union and to be earnestly desirous of preserving it.

Had the members of the General Assembly regarded the expression of the popular will in this election they would have at once abandoned their treasonable scheme and the State would have continued in internal peace. But it had no effect in arresting their criminal design, but on the contrary, it appeared to harden and madden them into a desperate determination to bring on a hostile collision with the Federal Government and thus excite the passions of the

people. They proceeded to squander in military preparations the public money which should have been applied to the payment of the debts of the State. They attempted to raise troops which were to be used against the Federal Government. They made preparations for the forcible seizure of the arms and property of the United States.

In all these proceedings the then Governor of the State actively participated, employing all the influence and power of his office to ruin a confiding people.

The Government could not look unmoved on the preparations thus made for the overthrow of its authority. Loyal citizens could not consent to have enacted in this State the scenes of traitorous war which had been successfully enacted in other States. Some of them perceiving the danger of the crisis offered their services for military duty and were organized and armed. At length the war within our borders commenced, a war not like that between separate nations, in which its horrors are mitigated by established usages, in which neighbor is arrayed against neighbor and brother against brother, not only in opposing organized armies but at their own homes where they seek to take each others' lives.

The people of most of the loyal States know nothing of the species of war through which we have passed. They send their sons to distant battle fields, they bear the interruption of their ordinary pursuits and the burdens of taxation, but they know nothing of the horrors of a war in which families each night fear that before morning they may be aroused by bands of armed men coming to plunder their dwellings and probably murder their protectors. Such war has prevailed in Missouri and such has been the condition of many of her loyal people because of their fidelity to the Government.

The Convention when it adjourned its first session in March, 1861, after declaring the adherence of the State to the Union, with a wise foresight of the danger which was to be apprehended from the Governor and General Assembly determined not to dissolve but to retain its being and its power in order to meet any emergency that might arise.

After hostilities had commenced and when the treasonable plans of the Governor and Assembly had been fully developed, the Convention met in July, in 1861, and acting with the energy which the crisis demanded, it deposed both the Governor and Assembly, abrogated their treasonable acts and established a Provisional Government. One result of this action was that the State was without a Legislature which could make provision for emergencies as they arose and consequently the Convention was compelled to discharge duties which it would not otherwise have assumed and to pass ordinances which partook of the character of ordinary legislation. It was a necessity from which there was no escape.

From the time the Provisional Government was organized it became necessary that it should take part in the war which was to be conducted for the end of maintaining the constitutional relations of the State to the government of the United States, and vindicating the sovereignty of the State. It was moreover necessary that the loyal people should be organized for their own protection, mingled as they were with those who were the enemies of the Government, and of all who professed attachment to the Union. It was apparently an almost hopeless attempt to organize a military force without money to clothe, subsist, or pay the men, and without arms or munitions of war. Yet the attempt must be made. Accordingly, on the 24th of August, 1861, a call was made for volunteers for six months, to the number of 42,000 men. It was soon apparent that whatever might be the patriotism of our citizens, it would be impossible to obtain such a number of men, who could leave their homes unprotected, and without hope of being properly sustained in the field, go forth to meet the enemy. Still there were more than six thousand who did encounter the required sacrifices and did organize and serve under the call. In doing so they had to encounter all manner of opposition and every species of dissuasion. Still they persisted, and rendered good service to the State.

As there was no money at the command of the Execu-

tive, with which to subsist or arm this small force, it became necessary to call upon the United States for the means to place the men in a condition in which they could render service. I proceeded to Washington to make a personal application to the President, and there procured some money and some arms with which to meet the most pressing demands of the force. The money thus received was expended with the utmost regard to economy, in order to make it cover the most urgent necessities of the men, and the arms were distributed in order to prepare them for action.

It became apparent soon after the organization of the force which answered this first call, that an arrangement must be made for a force of our own citizens to be organized upon a different basis, having a longer period to serve, and which should be certain of regular pay and subsistence. Upon another visit to Washington I succeeded in making an arrangement with the President for raising a force of State Militia, to serve during the war, and to be maintained by the United States. A copy of this agreement will be furnished as soon as it can be obtained from Washington. Soon after this arrangement was made, the force collected under the first call was disbanded, with the expectation that a large proportion of the men would volunteer into the new service. Under this arrangement a force of 13,000 men was recruited, organized into regiments and battalions, and has rendered very efficient service against the enemy, encountering in battle, and routing and dispersing large bands which were gathered in our state to aid the cause of rebellion.

I will not protract this communication by enumerating the encounters in which this force has been engaged and in which both officers and men have distinguished themselves. As Congress limited the number of this force, which the United States would pay to ten thousand men, it has become necessary to disband a portion of the men, so as to reduce it to the limit allowed.

The Government of the United States has, ever since the commencement of the rebellion, maintained in our State a large force of volunteers—some raised in Missouri and

others in other states. This force maintained at great cost, has been employed in meeting and driving out the armies, which have from time to time invaded the State, and also in breaking up the hostile bands recruited in Missouri. Thus the Government of the United States has endeavored to fulfill its constitutional obligations to protect the State from invasion and insurrection. And it is becoming here to say, that the President has on all occasions manifested an earnest desire to aid the loyal people of the State in all their endeavors to maintain themselves against the rebels who were seeking not only to overthrow the government, but ruin the loyal inhabitants.

In the early part of the present year, (1862) the rigor of the season, and the apparent hopelessness of the attempt to subdue the State to the rule of the rebel leaders, combined to produce the return to their homes of many who had been in arms in the rebel service, and they came back with professions of repentance for their crimes, and declarations of a firm determination to be loyal to the Government thereafter. Relying upon such professions and declarations, they were allowed, upon very easy terms, to resume their position of peaceable citizens, and were protected in their rights.

For a time the State appeared to be rapidly returning to a condition of quiet, and the hope was entertained that we were nearly through our trials. But as the summer came, and as a large part of the force maintained in the State by the United States was withdrawn to prosecute the war down the Mississippi, emissaries from the Southern rebels appeared in the State to recruit for the rebel army, and to make a diversion in favor of the rebels. So large had been the drain upon the United States forces within the State, that comparatively few remained to meet the danger thus arising. The State Militia and the few regiments of Federal Cavalry found it difficult to cover and protect the whole territory of the State and the loyal citizens being without military organization or arms were exposed to constant outrage and murder. Under these circumstances it became evidently necessary that the whole loyal portion of the people

should be placed in an attitude to defend themselves and to meet the active enemy in their midst.

An order was issued for the immediate enrollment of the whole militia of the State, and power was given the Commanding General to call such number into active service as might be necessary. Both the power and the necessity for this general enrollment were manifest, and the duty of calling them into active service was a necessity from the obligation to see that the laws were faithfully executed and not set at defiance by armed bands of robbers and murderers.

The effect of the order for the enrollment of the militia was immediately apparent, in the rapidity with which the loyal men in all parts of the State flew to arms and formed themselves into military organizations. Everywhere there was confidence among them, and they showed from the commencement that they were satisfied the time for decisive action had arrived. They went in some instances into actual battle, without waiting for anything further than to elect their company officers. They have endured privations and made sacrifices which nothing but an enthusiastic devotion to the country could have produced. The population hostile to the Government soon discovered that if they banded together they would be met by loyal men, organized and ready for action, and that the friends of the Government were more numerous than had been supposed. These considerations, and the success which attended the militia and the volunteers, have produced such impressions upon those who were disposed to engage in the rebellion that at this time there is better hope of permanent peace throughout the State than at any other time since the rebellion commenced.

I transmit herewith, the report of Col. Wm. D. Wood, Acting Adjutant General, which exhibits the force of volunteers from this State now in the service of the United States, nearly all of whom are in distant fields. The number after the casualties of war and after mustering out those who had been irregularly enlisted, amounts to 27,491. The report shows that the State Militia raised for the war under my arrangement with the President, after all casualties and



after the disbanding of battalions, still amounts to 10,540, showing that the State now has in service for the war the number of 38,031 men. This is a large army to be furnished by the loyal men of a State where so many of the young are actually engaged in a criminal rebellion against the Government. But while we have cause to be proud of the number of soldiers engaged in upholding the Government we have still greater cause to be proud of their conduct in the field. In no battle in which Missouri troops have been engaged has it ever been said that they failed to be among the foremost in the contest. Under the order for enrolling and organizing the militia, the report of the Adjutant General shows that seventy-five regiments have been organized, and that these with three battalions and forty-six companies yet remaining to be formed into regiments, make a total of 50,056 men. Of these it may be assumed that a small proportion are not really loyal men, but the proportion is small, as those whose loyalty was doubtful have been by various means sifted out from the mass. The total of fighting men as exhibited by the report is 90,087.

It is impossible to furnish the number of the militia that have been in actual service since the enrollment was ordered, as the men were called into service by the Generals commanding districts and the returns have not been made to the Adjutant General's office. Whatever may be the number, these men have rendered such good service to the country and have so cheerfully responded to the call made upon them that provision should be made to pay them. Although the State may not have funds in the treasury from which such payment can at once be made yet when it is considered that the men were really performing service in doing a military duty which the United States were bound to perform in protecting the State against an insurrection, directed mainly against that Government, it is not to be doubted that the United States will recognize their obligation to pay these men or reimburse the State for any expense it may incur. This is the more certain from the fact that the State is already reimbursed to the extent of seven hundred and sixty thou-

sand dollars for the expense of the militia called into service on the 24th of August, 1861. This was done by offsetting such portion of the amount expended as was equal to the State's share of the direct tax imposed by Congress and thereby relieving us from that tax. There is no difference between the claims of the militia serving under the call for six months and the militia lately enrolled and rendering actual service under the calls made by the United States Commanders of Districts under the General Orders issued from the Head Quarters of the State. When the order was issued for the enrollment of the militia, there arose a demand for arms which could not be supplied by the United States at a time when large forces were being recruited to strengthen the several Federal armies and when the Government was engaged in purchasing arms for its own use. Under these circumstances the banking institutions in St. Louis consented to advance to the State the sum of \$150,000 for the purpose of purchasing arms. This was done with the expectation that money would be realized from an assessment made by an order of Brig. Gen. Schofield, the Commanding General of the United States for the District of Missouri, with which the banks would be reimbursed. The order for the assessment has been suspended by order of the President and it remains that the General Assembly should make provision for the sum actually expended in the purchase of arms and accoutrements. A large proportion of the arms are still in store ready to be distributed to the militia whenever an emergency may arise. The sum expended in the purchase by the agent who went to New York and in the transportation is \$146,553.59.

It will be necessary to keep on hand during the continuance of our domestic troubles a number of arms to be sent wherever danger threatens.

There is a small class of claims which ought to receive immediate attention and which I refer to the General Assembly although I could probably pay them with propriety under the ordinances of the Convention. I allude to the expenses incident to the enrollment—such as a com-

pensation for actual service rendered by persons appointed as enrolling officers and their assistants and the adjutants of regiments in process of organization. Persons in these different capacities have in some instances given up their whole time to the duty required of them, and have rendered very useful service. There have been also other expenses incident to the enrollment which ought to be paid.

#### FINANCES.

It will be seen by the Report of the Auditor of Public Accounts that the debt of the State is now \$24,734,000, and Defense Warrants \$700,000. Of this amount \$23,701,000. consists of bonds loaned to the several railroads, the interest upon which the roads are bound to provide for as well as the principal when it may become due. Still the faith of the State is pledged to the holders of the bonds for the payment of both principal and interest and the security which the State has is a lien upon the roads themselves.

It is apparent that the State debt, unconnected with the Railroads, is a mere trifle for such a State as ours. No interest has been paid upon the debt by the Railroads, with the exception of the Hannibal and St. Joseph road, since January, 1861; and thus the debt has accumulated by two years' interest upon the bonds, which the defaulting roads have sold.

While it is a subject of the deepest regret that the credit of the State should have suffered by the inability to pay the interest as it accrued, yet it is a consolation that the failure has proceeded from a cause which no foresight could have anticipated, and no power in the State could have prevented. A merchant, whose capital stock is sunk by an earthquake, does not feel that his morals are subject to impeachment because he cannot punctually meet his liabilities. So Missouri, when issuing these bonds, had no anticipation of the civil war which has desolated so large a part of her territory, and destroyed so large a portion of the value of her property, and we who are now concerned in administering her affairs, have had no power to resist the ruin that the

rebellion has brought upon us. While therefore, we may not feel that the State is chargeable, with any moral delinquency, on account of the failure to pay the interest upon her bonds as it accrued, it becomes those charged with the duty of Government to make every practicable effort to meet her just and present obligations to their full extent.

It is certain that the present rate of tax upon the subjects now made taxable by law, will not produce revenue sufficient to meet the annual liabilities of the State. The taxable property itself has been diminished in quantity and reduced in value. Slaves, for instance, have been reduced in number probably one-third, while the value of those that remains probably less than one-half of its former amount. So of other personal property. And while the lands remain, no reasonable assessment of their value will make an amount near to that of former years. The commerce, too, of the State has been so broken up that the tax upon licenses will fail to produce an amount near to that which has in former years been received into the treasury from that source.

It may be regarded as impossible to meet the current expenses of the Government, with the addition of interest upon the State bonds, by any scheme of taxation that the State in its present condition can bear. We must look, then, to some scheme by which the liabilities of the State can be so reduced as to bring them within its capacity to meet them, and as the chief liabilities are on account of the railroads, that scheme must look to the reduction of the principal of this railroad debt, or to some mode of making the roads sufficiently productive to pay the interest with certainty. This is essential to the restoration of our State credit, and that credit is essential to our future prosperity.

Upon the supposition that such legislation may be adopted in regard to the railroads as will greatly reduce the State debt, resort must be had to some plan for increasing the revenue of the State so as to meet the ordinary expenses of the Government and interest on what may remain of the debt.

It will be apparent to any who will examine our present rate of taxation upon the subjects made taxable that our rate is sufficiently high at present to be very onerous upon the people. But it is respectfully suggested that a plan of taxation upon other subjects might be adopted, which would produce a large increase of revenue. I refer to a tax imposed upon contracts and conveyances, such as is now imposed by the Congress of the United States for Federal purposes, in the shape of requiring stamps upon all written contracts.

Whatever may be said about the authority of Congress under the taxing power to affect the validity of a conveyance of property in a State, there can be no question that the State Legislature possess full power over the subject. It is impossible at this early stage of the operation of the stamp act of Congress to conjecture the amount that will be raised under it in this State, but there can be but little doubt that it will be large. An addition to it for State purposes will be a mode of raising revenue but little felt and but little objected to. It is the result of experience that indirect taxation is borne cheerfully by the people to an extent that would appear to be intolerable in the form of direct taxes. But the most important financial measure that can be undertaken by the General Assembly is the reduction of the State debt by acting upon the railroads for the benefit of which it was created.

#### RAILROADS.

Although persons engaged in the rebellion have upon several occasions, interrupted for short periods, the travel and transportation upon several roads, yet the importance of the roads in the military movements within the State has been such that the Government has rapidly repaired the damage when it has occurred, and thus very materially aided the roads. At the same time, the transportation of troops and military stores produced a large revenue to the several roads.

I have a statement of aggregate receipts, for different years, furnished by the Pacific Railroad Company, which I

herewith transmit, which will show that the net earnings of the main line of that road for the year 1862, is \$365,319.48, and for the year 1861 the sum of \$277,734.62, making an aggregate of \$643,054.10. None of this sum has been paid over to defray the interest upon the \$7,000,000 of State bonds advanced to the company. This failure has been occasioned, as is said, by the application of the money to the payment of the floating debt of the company, repairs of the road, and other unavoidable expenses.

I have information, which I regard as reliable, that the Hannibal and St. Joseph Railroad has paid the interest upon the \$3,000,000 of State bonds loaned to it, and if such be the fact no action will be required by the General Assembly at present, for the purpose of protecting the credit of the State in relation to the bonds issued to that company. In fact, the large amount invested in the road beyond the amount of bonds loaned to the company gives such assurance that the interest in the future will be paid without resort to the State Treasury; that the amount of debt created by the bonds thus issued may be safely deducted from the aggregate of the State debt in a computation of the liabilities which the State may be called to meet.

The President of the North Missouri Railroad has made a communication to me, which I herewith transmit. It is rather an argument in favor of the State allowing the Company to create a debt which shall have precedence over the lien now held by the State than a statement of the operations of the Company. I do not think it affords information upon which action can be safely based.

From the other railroad companies I have no report or information.

The Southwest Branch of the Pacific Railroad is forfeited by law, and is, with its lands, the property of the State, on account of the failure of the Company to pay interest on the State bonds. I did not take possession of this road, as I was empowered to do by law, because I regarded it as better for the interest of the State itself that it should continue to be worked by the Company than by the

State. It is, however, the property of the State, to be disposed of as you may judge best.

It is difficult to arrange any course of action in relation to the several railroads, which can be safely applied to all. Their condition differs and their future prospects are not the same. The ends for the State to accomplish are the restoration of State credit, the reduction of the debt consistently with good faith towards the holders of State bonds, so as to reduce it to an amount upon which the State can pay interest; next, the completion of roads that are unfinished, next, the securing of the interests of private stockholders. I put the private stockholders last, because they have adventured their funds in the roads upon some consideration of their own private interests, and must, therefore, be postponed to those who are, in good faith creditors of the roads.

The most obvious course would be to sell out the roads for the bonds of the State; but this is liable to the objection that the whole of these works would thereby become the property of those who are strangers to the State, and are not so identified with her interests as to guarantee the management of the roads with proper regard to those interests.

I will submit to your consideration the outline of a plan which I apply to the main line of the Pacific Railroad, and which may possibly, with modifications be applicable to the other principal roads, when their condition is fully made known. In the sums I mention, I use round numbers, as the understanding of the plan does not require the statement of the precise amounts.

The main Pacific road has cost \$10,000,000, three millions of which is private stock, and seven millions bonds of the State loaned to the Company.

The road now has been constructed to a point from which it can be completed to Kansas City, its proposed western terminus, for \$1,500,000, and it is believed that it will pay a reasonable dividend upon its entire cost when thus completed. I propose that a new organization, be offered to the Company, by reducing the private stock to

\$1,500,000; and that a subscription of additional stock be authorized to the amount of \$1,500,000, this additional stock to be preferred, and to receive out of the earnings of the road annual dividends to the amount of seven per cent. With the sum thus subscribed, it is proposed to complete the road to Kansas City. Some have suggested that money to complete the road might be raised by bonds at short time, with a lien prior to that of the State; but I regard the plan of making preferred stock as more judicious for many reasons, which I will not here undertake to recount.

It is then proposed that this Company thus organized shall be empowered to issue their bonds to a specified amount to those who are the holders of the State bonds, and thus take up and return to the treasury the bonds of the state, the bonds issued by the Company to be secured upon the road, and its appurtenances by mortgages, and the lien of the State to be released upon the return of State bonds to the Treasury, and when the whole amount specified in the act is thus returned the whole lien of the State to be released. The details of the proposed measure and the necessary guards are not stated, because they would require too much space. It has been suggested that the holders of State bonds in their present depreciation would prefer to turn them into stock of the Company, when provision is made for the completion of the road, rather than to take bonds of the Company, even when secured upon the completed road. There would be no difficulty in allowing them to have the alternative of bonds or stock.

In fixing the amount of State bonds to be redeemed by the Company, care should be taken to leave the unredeemed residue so small that the State may be able in future to meet the interest accruing thereon. This, or some like measure would have the effect of reducing the debt of the State, while it would manifest a disposition to do all that is practicable to restore our credit. Whether a like measure can with propriety be adopted in relation to the other principal roads will depend upon the exhibit of the results of their working, which will be made by their directory



whenever you require it. I cannot, however, refrain from saying that no proposition from the roads should be listened to which would treat the State credit as irretrievably lost, and would look to a disregard of our obligation to restore it. If we cannot pay now what we owe, let us adopt measures which will give assurance to our creditors that we are determined to do all we can to meet our obligations.

#### EMANCIPATION.

The subject of emancipation will claim your attention. Having always lived in States where slavery existed, I have had no such prejudice against the institution as is felt and expressed by many. But I have long entertained the opinion that the material interests of Missouri would be promoted and her resources would be more rapidly developed, by the substitution of free labor for slave labor. Entertaining this opinion, I looked to the rapid increase of free population, and its excess over the slaves, as sure, in time, and by ordinary laws that govern commercial interests, to effect a change in our labor system. Taking no part in public affairs, I have been content to let the whole subject take its natural course, without mingling in the discussion which has arisen.

Now, under a constitutional obligation to communicate my views of the condition of the State, and to recommend such measures as I may consider advisable, I must embrace the subject of emancipation in this communication. My opinion of the advantage to the State to be obtained by introducing the system of free labor, remains the same as it has been for years. The necessity for action upon the subject at this time grows out of the present condition of the country. A great rebellion against our government exists, and its primary object is to inaugurate a Government in which slavery shall be fostered as the controlling interest. Those who are its leaders, in shameless disregard of all principles of popular government, claim that Missouri forms part of their confederacy, upon no other foundation than that Governor Jackson had issued a declaration dissolving the connection between the State and the United

States, and that a collection of persons who had been members of the last General Assembly, without sufficient numbers to form a quorum of either house, had passed some act of secession. And this when a Convention chosen by the people had resolved to maintain our constitutional relations with the Federal Government. If the leaders of the rebellion do really desire to have the State within their pretended confederacy, there can be no more effectual mode of extinguishing that desire than by showing the purpose to clear the State ultimately of the institution which is the bond of cement among the rebellious States.

To this consideration, may be added the fact, that the rebellion has had the effect of greatly diminishing the number of slaves within the State, and by rendering insecure the tenure by which they are held, has diminished the value of those that remain.

Under these circumstances, the most ardent and determined supporters of the institution must be compelled to admit that there can be no reasonable expectation that in the future the demand for necessary labor in Missouri will be supplied by emigration of slaves to the State. If peace were to-day restored, no person could hope to see any considerable emigration of slave owners to the State.

A proper regard, then to the future welfare of the State demands that such policy should be adopted as will bring into the State the labor necessary to meet the wants of our agricultural, mining and manufacturing interests. This can only be done by encouraging emigration from the free States, and as we are aware that a prejudice exists among the inhabitants of such States it is necessary that such prejudice be removed by adopting some measure that will give the assurance that this will certainly be a free State.

When we arrive at the conclusion that the interests of the State require that a scheme of emancipation ought to be adopted, the next question that presents itself is, shall the emancipation be gradual or immediate? In considering this question you will no doubt treat it as statesmen, looking to things as they are, and with a dispassionate

regard for the welfare of the State. A sudden change in the labor system of a State, like any other social revolution, is always exceedingly hazardous. A rapid withdrawal of any large portion of the active producing labor of a community, is dangerous to all its interests. The boundless resources of our State require for their development that we should keep all the labor we have and get all the labor we can.

So far as we expect to obtain labor by emigration from the free States, we may assume that the prejudice which hinders that emigration to a State where slavery exists, will be removed when a scheme is adopted for a gradual but certain emancipation of its slaves.

The number of slaves now remaining in the State (which has nearly 70,000 square miles of territory) would in a few years be lost in the midst of the free population attracted hither by this change in our system, and would come to be regarded as relics of a former age. Such has been the result of experiences in older States. Again, we are to remember that for years to come we cannot expect the tide of emigration from the free States which in former years would have flowed into Missouri, because of the effects of the existing civil war in occupying and destroying such a large number of the active and vigorous class from which that emigration must come.

These considerations support the position that gradual emancipation would be more advantageous to the State than immediate emancipation. If we turn to the action of older States which have in former times effected such a change in their system, we see that Pennsylvania in 1780 passed an act for the gradual emancipation of her slaves, leaving those who were then in being to continue in their condition unchanged, but declaring all children thereafter born to be free at twenty-eight years. Yet the preamble to the act professes great thankfulness to God for the deliverance of the State from the rule of Great Britain, which was then substantially achieved, and an earnest desire to impart the blessings of liberty to those who were held in bondage.

It is apparent that her legislators felt themselves bound

to deal with the subject, not upon any romantic notions of natural right, but upon the actual fact that a part of the population was held in slavery, and as such was a productive class, whose service could not be dispensed with without injury to the State and injustice to their owners.

The State of New Jersey, when passing an act of emancipation, gave freedom, not to the persons who were slaves, but to the children of slaves, born after a given date, and that when they attained the age of twenty-one years.

The action of other States might be referred to for the purpose of showing that wise, dispassionate men when acting on this subject of emancipation have kept their attention fixed upon the interests of the State and the several classes of its population.

When the President of the United States recommends to Congress to afford aid to States willing to adopt a scheme of emancipation, it is aid in the "gradual abolishment of slavery."

There is a clause in our own Constitution which must have great influence in determining the choice of a scheme of emancipation. It is this: "The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners or without paying them, before such emancipation, a full equivalent for such slaves so emancipated."

It is plainly impossible that the State should provide a full compensation to owners of slaves for their immediate emancipation. However much the number of slaves may be reduced as an effect of the rebellion, it is certain that the State cannot pay for that number. Nor can the Legislature constitutionally adopt a scheme by which the owners of slaves can be divided into classes, and the slaves of one class be emancipated without compensation, while compensation shall be provided for the other class. Whoever is an owner must be compensated, or the legislation will be inoperative upon his rights.

Neither the President, nor Congress, has proposed such aid to the State as will reach the case of full compensation

for the immediate emancipation of slaves. The resolution recommended by the President, and adopted by Congress, proposes to aid the State in the "*gradual* abolishment of slavery." This resolution not only indicates that these officials regard *gradual* emancipation as the scheme proper to be adopted, but it commits them to the giving of aid to such scheme only.

While there is, therefore, a constitutional necessity for compensation in order that the emancipation may be effectual, there must be such a plan of emancipation adopted as will make it certain that the compensation will be provided by Congress.

If you should pass an act providing that the children of slaves born after the passage of the act should be born free, and should remain in the custody and under the control of the owner of their mothers until attaining a certain age, it would seem that the only compensation required to make such act constitutional would be a compensation for the diminished value of the female slaves thus rendered incapable of bearing slaves. If such an act were made to take effect upon provision being made by Congress for this small amount of compensation required, there would seem to be a certainty that such compensation would be provided by that body.

This plan, while it leaves the present generation of slaves with their condition unchanged, prevents any sudden diminution of labor, attracts emigration by the assurance it gives that slavery is to be extinguished, conforms to the examples of other States in which the same change has been successfully made, is in accordance with the views of those exercising the powers of the Federal Government, and thus secures the aid of that Government, satisfies the requirements of our own Constitution and does justice to the owners of this description of property, while it provides that those who are to enjoy freedom under it shall be prepared for that condition before they exercise its privileges. This plan I recommend to your consideration.

Other questions, such as the deportation of the persons

emancipated, have been discussed. The plan proposed renders such questions comparatively unimportant, at least for the present generation. But on this as on many other questions, it must be expected that great diversity of opinion will exist. The population of Missouri is composed of classes representing all sections of our own country and many foreign nations. Every shade of opinion upon all subjects, civil, religious, political and moral, finds here its advocates and opponents. This is especially true in regard to the institution of slavery. These advocates of opposing opinions in the different parts of the State have allowed their feelings to degenerate into personal antipathies often approaching to open hostility. These dissensions unfortunately are not confined to those who are divided by friendship and enmity to the Union.

You, as the representatives of the people, will probably find among yourselves a great diversity of opinion upon the subject of emancipation, as the same exists among the friends of the Union all over the State. This diversity of opinion and feeling is allowable and even desirable, if it is not carried to a point where it endangers the safety or permanency of the government, and it is necessary that the friends of the Union shall not permit their energies to be weakened, or their power impaired, by dissensions upon any subject however important, while the preservation of the government and the restoration of peace remain to be accomplished.

I cannot better or more forcibly express my ideas than by declaring my hearty concurrence in the following language, employed by President Lincoln in his last message to Congress: "Among the friends of the Union there is great diversity of sentiment and policy in regard to slavery and the African race amongst us. Some would abolish it suddenly and without compensation, and some would abolish it gradually and with compensation. Some would remove the free people from us and some would retain them with us, and there are yet other minor diversities. Because of these diversities we waste much strength in struggles amongst ourselves. By mutual concession we should

harmonize and act together. This would be a compromise among the friends and not with the enemies of the Union." I commend this language of the President to your consideration, as eminently entitled to exert an influence in all differences of opinion among friends of the Union.

#### THE PENITENTIARY.

When the Provisional Government was established, the Penitentiary was found to be entirely in the hands and under the control of those who were hostile to the United States, some of them implicated in the hostile conduct of Governor Jackson. The institution was languishing under their mismanagement, and rapidly approaching a condition of starvation. I removed the officers and placed the establishment in the hands of men of known loyalty. Since the change, there has been a great improvement in its condition, and the prospects are good that it will soon cease to be a drain upon the Treasury.

The Report of the Inspectors will furnish you with all the required information in detail.

#### COMMON SCHOOLS.

I must refer you to the report of the Secretary of State, who is now *ex officio* the Superintendent.

The embarrassments produced by the rebellion have deeply affected the Common Schools of the State; and it will remain for you to endeavor, in the midst of our present financial difficulties, to devise some practicable scheme for restoring our school system to its former successful operation. I commend the subject to your most careful attention.

And now, having placed before you the subjects which are of highest interest to the State in its internal affairs, I take leave to say, that no similar body since Missouri became a State, has had resting upon it higher duties or graver responsibilities; and earnestly praying that you may receive the guidance of Divine wisdom in all your action, I confidently expect great good to result to our people from your legislation.

H. R. GAMBLE.

## MESSAGE TO FIFTH SESSION OF STATE CONVENTION

JUNE 15, 1863

*From the Journal of the Missouri State Convention, pp. 5-12*

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*Gentlemen of the Convention:*

Under the power conferred upon me by your body, I have called you together again to consult and act upon matters of the highest interest to the State.

The subject named in the call as that which, in my judgment, chiefly demands your attention, is that of the emancipation of slaves.

In my message to the General Assembly I expressed to that body my general views upon the subject in this language:

“Having always lived in States where slavery existed, I have had no such prejudice against the institution as is felt and expressed by many. But I have long entertained the opinion that the material interests of Missouri would be promoted, and her resources would be more rapidly developed, by the substitution of free labor for slave labor. Entertaining this opinion, I looked to the rapid increase of free population and its excess over the slaves as sure, in time, and by ordinary laws that govern commercial interests, to effect a change in our labor system. Taking no part in public affairs, I have been content to let the whole subject take its natural course, without mingling in the discussion which has arisen.

“The necessity for action at this time grows out of the present condition of the country. A great rebellion against our Government exists, and its primary object is to inaugurate a government in which slavery shall be fostered as the controlling interest.

“If the leaders of this rebellion do really desire to have our State within their pretended confederacy, there can be



no more effectual mode of extinguishing that desire than by showing our purpose to clear the State ultimately of the institution which forms the bond of cement among the rebellious States."

Such being my views, and being bound by the Constitution "to recommend to the consideration of the General Assembly such measures as I should deem necessary and expedient," I suggested to that body a scheme of gradual emancipation. The General Assembly was prohibited by the Constitution from passing any law for the emancipation of slaves without the consent of their owners, or without paying them, before such emancipation, a full equivalent for the slaves so emancipated. The prostrated condition of the finances of the State rendered it impossible for the State to pay the equivalent required by the Constitution. The certainty of obtaining money from the United States for that purpose was not sufficiently clear to form the basis of legislative action. The plan I recommended would have reduced the compensation required to an insignificant amount; an amount which, in fact, might have been provided by the State.

The General Assembly failed to act upon the subject.

The importance of the subject, in its relation to all the interests of the State, demanded, in my judgment, very speedy action by a body capable of finally disposing of it, by the adoption of some wise and just scheme of emancipation. The Senate passed a joint resolution requesting me to call the Convention together, and also a bill for the election of delegates to a new Convention, provided your body should not, before the first day of July next, adopt a scheme of emancipation. Although neither of these measures was acted upon in the House of Representatives, yet the friends of emancipation in the House exhibited the greatest earnestness in endeavoring to have the bill which came from the Senate acted upon by the House, and were only foiled by the application of stringent parliamentary rules. This action in the Assembly gave strength to my own conviction, that you should be called together, rather than wait until the

Assembly should again convene in November next, and then initiate measures of emancipation, which might require some time before they could have effect.

It is under these circumstances that you have been called to assemble, and the subject of the emancipation of slaves is commended to your attention, as a subject of the highest interest to the State, and involving questions the most delicate and difficult that you can be required to solve.

I will not undertake the labor of developing any scheme and recommending it to you for adoption. The whole subject of emancipation is one upon which the minds of men will differ, as they are affected by prejudice, or inflamed by passion, or controlled by reason; and among those who favor emancipation under the guidance of reason alone, there is such a variety of opinions about schemes and the details of schemes, that there is no probability of any scheme devised by a single mind meeting with the ready approval of other minds in all its details. I will not, therefore, undertake the task of recommending any given scheme.

This, however, I may be allowed to say, that if a body of intelligent and patriotic men will approach the subject with a deep conviction that it is of the highest importance to the State that the subject should be disposed of, they will be able to dispose of it by agreeing upon some measure, although it may not, in all its details, be the exact expression of the will of any individual who sustains it.

I will venture to say, farther, that in this, as in all other cases in which a State, for its own benefit, deprives any of its citizens of property, political morals require that the citizen shall be deprived of his rights no farther than is necessary to make the public benefit certain and secure. While, then, emancipation is necessary for the public good, the period at which it shall be made effectual and complete admits of great diversity of opinion. This question of time is one on which those who agree in respect to the main point can, by mutual concession, harmonize their views.

In my communication made to you at your session in June last I submitted to you a brief statement of what I

had done up to that time to put the state in a condition of defence, so that she might be protected against enemies, external and internal. The latter class consisted of bands of robbers and assassins, who, scattered over the country in smaller or greater numbers, made the existing state of war a cover for their schemes of plunder and murder. It became manifest that the regularly organized forces in the service of the United States were not as well adapted to the work of ridding the country from these bodies of outlaws as would be a force of militia, organized throughout the State, ready at all points to detect and destroy such an active and vigilant enemy. The fact, too, that the population of the State, loyal and disloyal, were so mingled together as to render it impossible to distinguish between the friends and the enemies of the Government (where there had been no public manifestation of the feeling of disloyalty), and that such commingling of the classes facilitated the operations of these hostile bands, and exposed the loyal men to their outrages, rendered it necessary to distinguish the classes from each other. To accomplish both these objects, it was determined, in consultation with Brigadier (now Major) General Schofield, then commanding the District of Missouri, to organize the entire loyal militia of the State. Accordingly an order was issued, requiring the organization of the militia of the State, "for the purpose of destroying the bands of guerillas," and committing the work of organization to General Schofield, who was a Brigadier of State Militia as well as a Brigadier of United State Volunteers. Under his direction the organization proceeded with great rapidity, and soon a large force was prepared to take part in the defence of the State and in protecting its loyal citizens. The process of organization had the immediate effect, too, of drawing the lines between loyal and disloyal citizens, and of giving confidence to loyal men as they became organized and armed and acquainted with their strength. This measure has been of incalculable benefit to the State, in preserving its loyal inhabitants from the depredations of marauding bands, in preventing the formation of such bands, and in pursuing and

breaking them up when formed. And in battle with an organized enemy, as at Springfield, and other places the enrolled militia have shown that Western troops, although they may be raw, have a daring enterprise, a reckless courage, which, with other people, is the result of long training and discipline.

Yet there are persons who speak against the enrolled militia, and make accusations against them of disloyalty. It may be true that the anxiety of officers, when forming regiments to swell the number and apparent strength of their commands, may have caused them to admit into their ranks some disloyal men. Such conduct was in direct violation of the orders issued by General Schofield, and of orders issued from the headquarters of the State. When the rolls of companies were deposited in the office of the Adjutant General there was no means of ascertaining the loyalty or disloyalty of the men; all had been sworn alike, and, if the officer had really obeyed orders, all were loyal, and therefore the organizations were recognized. That any considerable portion of the enrolled militia are disloyal, is not to be believed, when we see the alacrity with which they take the field, endure hardships and engage in battle. That some of them have been disorderly and lawless, committing gross outrages, may be admitted; but this will be the case with all troops in the field, unless they are restrained by their officers, and many officers of the militia have not acquired the habit of command.

Ever since the enterprise of opening the navigation of the Mississippi has been in progress there has been a constant drain of United States forces from this State, and, at the time of ordering the enrollment of the militia, the United States force within the State was so much reduced, that its weakness was a strong reason for making the enrollment, so that the militia might be used for defence. The demand for troops to be sent South has ever since continued, and those who knew the object and felt that the opening of the navigation of our river was of the greatest importance to us, have felt willing to see all troops go who could be spared.

On the 18th of December last I received from the President a dispatch in this language:

"It is represented to me that the enrolled militia alone would now maintain law and order in all the counties of your State north of the Missouri river; if so, all other forces there might be removed south of the river, or out of the State. Please post yourself and give me your opinion upon this subject."

To this dispatch I replied, that if the Government would pay and maintain the force, I would undertake the work, and would call out no more men than necessary; that the removal of other troops would promote rather than hinder success.

After waiting for some time, I explained my plan to Major Gen'l Curtis, commanding the department, who objected that it would be too expensive. Knowing that the whole district of country referred to by the President had in it but one regiment of cavalry and a part of a regiment of infantry, and that Union men entertained strong apprehensions for their safety, I determined to carry out my plan without further delay. On the 3rd of February last I instructed the Brigadier General commanding the north-eastern portion of the State to detail twenty-four companies of *approved loyalty and efficiency*, with the requisite number of officers, and form them into two regiments; the force "to be used to repress any attempts at insurrection, and to prevent any combinations against the Government, and to maintain the laws of the State." Similar instructions have been given to the other Brigadiers; and now there are nine such regiments formed and being formed in different parts of the State. In the meantime, the strength of the United States volunteer force in the State is being rapidly reduced by the demand for reinforcements to be sent to the army before Vicksburg, and we are approaching the condition in which we are to defend ourselves against enemies without as well as within the State. I am confident, however, that the State militia, organized under the arrangement which I made with the President in November, 1861, and the regi-

ments of enrolled militia formed by the details just mentioned will be able, with occasional help from the mass of the enrolled militia, to defend us against any enemy who is likely to approach our borders.

The promptitude with which the militia take the field was exhibited a short time since, when a Confederate force, coming from Arkansas, made a raid into the southeastern portion of the State, producing considerable agitation. Major General Curtis applied to me to call nine regiments into service. Orders were immediately dispatched to the Brigadiers from whose commands the men were wanted, and in a few days the whole force was on the march.

Although orders have been obtained from Washington for clothing, equipping and subsisting the militia in active service, our self-defence imposes a great expense in paying the men. But there can be no doubt that the United States will reimburse the State for all her outlay. In fact, the provision already made for clothing and subsisting the men is an acknowledgment that they are rendering service for which the United States ought to pay.

In order that the whole military force may be most efficient, it has been judged best to place the militia in active service under the command of Major General Schofield, the Commanding General of the department, who is an educated and talented officer, interested in Missouri, and anxious for her peace and prosperity, and having no other ambition than to serve his country.

And now, gentlemen of the Convention, you can see from this statement, taken in connexion with the communication made to you at your session in last June, what has been done to place the State in an attitude of defence against all the enemies which the rebellion has brought against her. She has met every call for troops which the Government of the United States has made upon her. She has raised ten thousand men for her own defence, to serve during the war. She has organized her entire loyal militia, and has called them into the field at such times and in such numbers as the protection of her people has demanded. She is now putting

Confederate officer, but as a person who is leading a band of robbers and murderers against the peaceable people of Missouri. I think the establishment of such tribunals would be the foundation of a proper restraint upon soldiers, by taking away all excuse for punishment by them, except in the single case of punishing men actually taken in arms, and it would have a better effect in restraining those who are tempted to join such bands when they discover certain but regular punishment before them.

Gentlemen of the Convention, as this is probably the last time you will assemble, it may not be inappropriate to refer to the different steps which have been taken in the process of upholding the authority of the Federal Government in Missouri.

At your first session, held in St. Louis, the utterances in your body that favored disunion were greeted with applause in the crowded lobby, and within two squares of the building in which your session was held was the headquarters of the minute-men, a treasonable organization, boldly in the face of day flaunting a flag which was the emblem of their disloyalty. You resolved against secession and separated.

Treason made rapid progress, its emissaries being active through the State. War against the Federal Government was inaugurated, and the State authorities became committed to it. The zeal and energy of an assailing party, turning every occurrence to their own account, and misrepresenting every act of the Government, swelled the ranks of the disaffected until, with impunity, the most opprobrious epithets were freely bestowed upon those who remained faithful to their allegiance.

In July, 1861, you again assembled, and meeting the crisis with firmness you deposed the State Government then in being, and inaugurated the Provisional Government on the last day of that month. You revived a militia law that had been originally designed for holiday parades. Believing that many had been led into treason by the persistent misrepresentation of the purposes of the Union party, I issued a proclamation on the 4th of August, designed to

correct the wrong impressions which had been made, and, with consent of the President, offered an amnesty to those who would return to their allegiance.

On the 10th of that month the disastrous battle of Wilson's Creek was fought, and General Lyon fell. I had done my utmost, by application in writing and in person, to have him reinforced; consternation spread everywhere among the Union men. The secessionists were buoyant and confident. Many of your members became fugitives from their homes. Here, in the capital of the State, men of firmness and sense were uneasy because of the armed guard of the Penitentiary, which was entirely under the control of the secessionists. This latter class, here, in the confident expectation of success, were sure of speedily driving away the Provisional Government. The call for troops made on the 24th of August, and the efforts made to arm and equip them, have been stated to you in former communications. Complaints that came to the Executive were all complaints of outrages perpetrated on Union men. The offices of the State were nearly all in the hands of enemies of the Government. The prospects of success were still on their side. An election had been provided for to take place in November to fill the executive offices which you vacated in July. It became apparent that if such election was attempted the voice of the Union men would be drowned, and the State would come under the sway of the secessionists. You were called to meet in October.

At your meeting in October you made provision for vacating the offices held by disloyal men, by requiring an oath of allegiance from office-holders. You provided a more efficient military law. You postponed the election of executive officers until the general election in August, 1862, and you offered an amnesty to rebels on conditions.

As time advanced and the Union men became better organized, and the military strength greater and as the Confederate forces were driven out of the State, the hopes of the secessionists became diminished, and when the enrollment of the loyal militia was made, then came in the complaints of



wrongs sustained by the enemies of the Government. The power had changed hands, and those who had been free in denouncing the Government had come to regard it as quite enduring. Still there was cherished in many breasts a strong antipathy to its rule. Circumstances seemed to require that you should again assemble in June, 1862, and at your session at that time you determined to guard against the possibility of having a disloyal State Government. You provided that all who exercised the elective franchise should take an oath for their future loyalty, and that no person should be elected to office until he had taken oath that he had not been in arms nor aided those in arms against the Government. This was a precaution deemed necessary to prevent the power of the State, in elective offices, from falling into the hands of those who were enemies of the Government. You changed the time of general elections from August to November, and you postponed the election of executive officers until the regular election for such officers in 1864.

From this point of your action the spirit of the rebellion in the State may be said to be broken. That there are those who still cherish animosity against the Federal and State Government I am sure, and that there are those who cordially hate Union men I have occasion to know; that this spirit will exhibit itself in occasional outrages and in the collection of bands of outlaws, I do not doubt. But I think there will be no organized force of rebels, of any magnitude, again assembled in the State.

Thus I am led to the conclusion that by patient, persevering action, the State of Missouri has been preserved from falling into the crime of rebelling against the Federal Government, and that she is now prepared to enter upon a new career of prosperity.

And now, gentlemen of the Convention, I regard this as a suitable time to do what I have long contemplated.

When, on the 31st of July, 1861, you chose me to exercise the executive functions of the State, you will remember that I undertook the task with the greatest reluctance, and

only after the most earnest persuasion. I will not repeat the language in which I expressed to you my unwillingness to hold the office. It is sufficient for me to say that a sense of my responsibility to God and my country alone had influence with me. The office has never, at any subsequent period, been more desirable to me than it was the day I assumed the position, and I have waited for the time to come when I could conscientiously say that I had performed all you asked me to undertake. When I was chosen to the office, the only question which engaged our attention was, whether the *Status* of Missouri as a State in the Union could be preserved; whether our rights as citizens of the United States could be protected against those who sought to bind us to the Confederacy of the revolted States. I regard such questions as settled.

The storm of regular war has passed far to the South. Adequate means to repress the outlaws who remain have been provided. Missouri is in no danger of being involved in the fortune and fate of the States in rebellion. Union men regard all such danger as past. They are now engaged in bitter disputes among themselves upon questions of internal policy. They evidently consider the war for the Union as over in Missouri, and that what of trouble remains does not require them to be at peace among themselves.

I was not chosen to office to take part in questions of mere internal policy, except so far as they might be connected with the relations of Missouri to the Union.

I feel, then, that the service you required of me has been rendered, and that there is no further demand upon me to continue the sacrifice of my own tastes and interests.

I announce to you, therefore, that I resign the office of Governor, to take effect upon the last day of your present session. I presume your adjournment will be *sine die*, and I desire my official career to terminate with yours. Moreover, the gentleman who succeeds me, and who knows nothing of my present act, will require a few days to become acquainted with the condition of the office.

I propose, gentlemen, to take my seat in your body,

(of which I am still a member,) in order that I may render any assistance in my power in maturing and adopting such measures as you may attempt for the good of the State.

And now, gentlemen, I tender you my acknowledgments for the confidence you have ever manifested and the support you have ever afforded me in the arduous duties of the position in which you placed me. Your labors have, under the direction of a kind Providence, been of infinite value to the State, and you and I can with assured confidence commit its destiny to His future guidance.

H. R. GAMBLE.

## ADJOURNED SESSION MESSAGE

NOVEMBER 11, 1863

*From the Journal of the Senate, pp. 6-12*

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*Gentlemen of the Senate and of the House of Representatives:*

You are again assembled, in pursuance of your adjournment, to consult upon measures necessary for the interest of the State, and it becomes my duty under the Constitution to give to you such information as I possess relative to the Government, and recommend to your consideration such measures as I may deem necessary and expedient.

As your present session is but a continuation of that which was begun on the 29th day of December last, I do not deem it necessary to repeat any of the statements, or recommendations, contained in my regular message made to you at that time, but shall confine the present communication to such changes in our condition as have occurred since your adjournment, and to a recommendation of such measures as are shown to be necessary by events transpiring within that time.

And first as to the relations of the State to the Federal Government, I am able to say to you that there is now, within the State, no military organization hostile to the Government of the United States, and that there is every indication that the former feeling of hostility has settled down into a quiet acquiescence in the supremacy of that Government, and an unwillingness to have the peace of the State further disturbed by rebel organizations. This condition of affairs is fully exemplified by the fact that a body of rebels, under the command of General Shelby, invaded the State from Arkansas, and penetrated the State to the Missouri river. He was met by the State troops alone, (State Militia and Enrolled Militia,) was routed in battle, and has been driven out of the State, without obtaining any accession to the number of his force, while all along his route there was exhibited great activity among the people in an

endeavor to intercept him. The rebellious spirit may be regarded as subdued. If we next turn our attention to the progress of the Federal arms, in subduing the rebellion in other States, we find that the Capital of Arkansas is in possession of the Federal forces, and if it were desirable at this season of the year for them to proceed further South, there is no enemy capable of resisting their progress to Texas. Vicksburg and the other rebel strongholds on the Mississippi river have been captured, and there is no other danger to be encountered in navigating that stream, than such as arise from wandering bands of guerrillas, who infest the shore, but who can be driven off with a little use of artillery.

The State of Tennessee, with slight exceptions, is held by the Federal arms, while the reinforcement of our armies there gives assurance that they will soon be able to penetrate into the Cotton States, the main seat of the rebellion. While great progress has been made in regaining the control of the territory within the revolted States of the Southwest, I regret that I am obliged to say that but little progress has been made on the other side of the Alleghanies. Our armies there are holding the same ground substantially, that they occupied two years ago, advancing and falling back, as the enemy retreats and advances, with frequent skirmishes, but no decisive action. I had hoped, when you adjourned, that by the time of your present meeting, we would be able to see the actual end, or a near approach of the end of the rebellion; but it is impossible to fix upon any period for its termination. The exhausted resources of the revolted States, and the sufferings of their people, would seem to require of their leaders, that they should abandon the schemes of their personal ambition, and recommend to the people whom they have deluded, to return to their allegiance to the Federal Government, and again enjoy its protection and blessings. But, probably, this would be expecting too much magnanimity in men, who have involved themselves in the great crime of misleading a confiding people to their ruin. The seat of actual war has thus been removed so far from our borders, that there remains no probability that Missouri

will ever again become the theatre of its horrors. As the contest now stands, our chief duty is to support the government with all our energies in its endeavors to suppress the rebellion in other States, and our next duty is to preserve our internal quiet and encourage the acts of peace, and restore civil government within the State.

In relation to our own military operations, I deem it proper to inform you that, during your last session, I had issued orders for the formation of Provisional Regiments of Militia, by the detail of companies of "known loyalty and efficiency," from the different regiments of Enrolled Militia. The formation of these regiments has progressed until nine have been formed. The object in this organization was to secure the services of the most reliable officers and men, to equalize the service in the different parts of the State, and to keep in service a sufficient force to preserve the quiet of the State, while the Federal Government was withdrawing its forces from the State for its necessary operations down the Mississippi river. These regiments have been furnished with clothing, subsistence and forage by the United States, and in the same manner would, no doubt, have been paid by that Government, if there had been an act of Congress that would have authorized it.

In order that there might be unity of command over the volunteer troops, State Militia, and these Provisional Regiments, the command was given to the Major General commanding the Department, who is also Major General of the State Militia; and subsequently the command of the entire Militia, in and out of service, was conferred upon the same Major General.

Although it is highly probable that there will be, in some portion of the State, small bands of men united for the mere purpose of plunder, without any reference whatever to any public questions, but as mere private robbers, yet if all citizens who desire the peace of the State will promptly respond to the call of the civil authorities, when it becomes necessary to suppress such bands, I regard it as unnecessary to keep in the field any considerable military force at the

expense of the State. I have therefore desired to discharge from the service all the Militia who have been called out, including the Provisional Regiments, as fast as their services could safely be dispensed with, and I have entrusted the judgment of the necessity for their continuance in service to the Major General in command, directing that they should be discharged as rapidly as possible.

From time to time I have called out regiments of Enrolled Militia, at the request of the Commanding General of the Department, (at one time as many as ten regiments) when, in his judgment, there appeared a great emergency. These regiments served brief periods, and until the emergency had passed.

The pay of the officers and men of the militia force that has been in service, although onerous upon the State treasury, constitutes a just claim upon the Government of the United States, and no doubt is entertained that if the gentlemen who represent the State in the halls of Congress will take the trouble to understand the subject, and press it upon the attention of both Houses, the State Treasury will be reimbursed for all its expenditure. The fact that large numbers of these troops were called out by officers commanding districts for the United States; the further fact that many have been called out at the request of the Commanding General of the Department, and have served under his orders; the fact that all have been employed in performing duties which the United States were bound to perform; the fact that the United States Government has recognized its obligation by furnishing army subsistence, forage and clothing, would seem to leave but little doubt that the additional item of expense of pay to the men during the period of service will be recognized as a just claim upon the treasury of the United States.

The value of the service thus rendered by the Militia will appear by a report made by the Major General commanding the Department to the President of the United States, by the direction of the President, from which I extract the following:

"In compliance with as much of your instructions, dated October 1st, as directs me to report my opinion upon the availability for good of the Enrolled Militia of Missouri, I have the honor to submit the following: The services of the Enrolled Militia have been of great value, not only during the summer of 1862, when they were first organized, but also during the present year. The nine Provisional Regiments which the Governor organized for continuous service, and placed under my command, enabled me to relieve an equal force of United States troops and send them to General Grant. On several occasions I have called out from one to four additional regiments for temporary service, to meet emergencies as they have arisen. With a few exceptions they have responded with promptness and alacrity, and have done good service. As an example illustrating the value of this organization, on the 18th inst. I called out the Seventh Regiment of St. Louis to relieve troops in the city which I wished to send after Shelby. Within six hours after the order was made, the whole city was under the guard of this regiment, and a few colored recruits, and the old troops were on their way to Jefferson City. The regiment was just as valuable to me during the time that its services were required, as a regiment of regular troops would have been."

At your last session you appropriated three millions of dollars, in Union Military Bonds, to pay the Enrolled Militia called into active service. As the act required that these Bonds should be engraved and printed of the usual size of bank notes, and upon bank note paper, a contract was made for engraving and printing, in Philadelphia, with the American Bank Note Company; but as the amount to be in small denominations required a very large number of impressions to make up the sum, considerable delay in obtaining the whole amount was thereby produced, and after they were received by the Auditor, considerable delay was occasioned in paying them out to the troops by the requirement of an ordinance adopted by the late Convention by which each bond was to be endorsed by the Paymaster who received the same. Seven hundred and sixty-eight thousand (\$768,-



000) bonds have been delivered by the Auditor to the Paymaster-General, all of which had to be endorsed, under that ordinance, before they could be paid out. All of these bonds have been delivered to the Deputy Paymaster-General for distribution among the Paymasters. It cannot yet be ascertained how far the sum appropriated will fail to cover all claims for military services, inasmuch as all the pay rolls of the regiments have not yet been returned. It certainly would have been sufficient, but for the fact that many more of the Militia, at the request of the Major-General commanding the Department, have been called into service, and others have been retained in service much longer than was anticipated, when the appropriation was made. It is recommended that the issue of an additional \$1,500,000 be authorized.

It is a subject of deep regret that these bonds, abundantly secured as they are by the act under which they were issued, should have been discredited by any of our citizens. They are, this day, the best secured paper that ever was issued by the State. The principal and interest are secured by the tax in commutation for military services, the amount of which, according to the assessment rolls for the year 1863, as far as received is \$1,109,248.55, and also by a tax of one-fifth of one per cent. upon all taxable property in the State; also, by a poll tax of two dollars upon every person liable to a poll tax; and also by the pledge of any money which may be received from the United States in reimbursement for military expenses, which, of itself, will amount to a sum equal to all Bonds paid out by the State. All of these funds are sacredly appropriated to the redemption of these Union Military Bonds.

In despite, however, of all this security, many persons seem to have combined to depreciate this currency in the public estimation, and its market value is from five to ten per cent. below that of Defense Warrants. The only ground for this depreciation is, that these Military Bonds, as is alleged, are not receivable for taxes due the State, and yet, in truth, they are by law now receivable in payment for all the military taxes before enumerated.

There does not appear to be a necessity, at this time, for providing any additional security for these Bonds, yet, if the finances of the State would bear it, it might give to them additional value to allow them to be received in payment for a portion of the general State tax. I do not undertake, however, to recommend their being received for any portion of that tax, because the security already provided, and their being receivable for the whole military tax, ought to give them a circulation and credit equal to that of any other paper in the State.

In connexion with the commutation tax for military services, the law provides that officers shall be designated in each county, to make out the assessment rolls for this tax, which are to be delivered to the Collectors. It provides for no tribunal to revise such assessment rolls, and to correct errors found therein. It is not required by law that any person shall pay a commutation tax to exempt him from the performance of military service, unless he is subject by law to the performance of such service.

The law requires military services from "all free white able-bodied male inhabitants of the State, over the age of eighteen years, and under the age of forty-five years." Yet the fact has occurred, in many instances through the State, that old men, far beyond the age of forty-five years, and others physically disabled to perform military duty, have been placed upon these rolls as liable to pay the commutation tax. I recommend that the County Courts of the several counties be authorized to hear complaints against such assessments, and to relieve persons from the commutation tax who are not subject by law to pay it, on account of age or physical disability. Such is the mode of correcting errors in the general assessment.

In the enrollment of the Militia, services were performed by some officers which were very important to the State, and occupied the time of those who rendered them, often to the exclusion of all attention to their own business, and which do not properly come under the designation of duties performed by officers in "actual service," and for which there

is not properly an appropriation. During the period of the first organization and drilling the Militia, property of individuals was occupied for that purpose, which occupation furnishes the foundation of claims not coming strictly within the terms of the ordinance of the Convention for the payment of the Militia, or of the act passed at your last session for the same purpose. I recommend that a commission be authorized to adjudicate such claims, so that those which are founded in justice may be paid.

Although at your last session the two Houses did not pass either a joint resolution or an act making it my duty to call the late Convention together for the purpose of considering a plan for the emancipation of slaves within the State, yet your proceedings sufficiently indicated a wish that that body should be convened for that purpose, to make my calling of the Convention an act of respectful compliance with your wish. I accordingly called the Convention to assemble on the 15th of June last. After a full discussion of the subject of emancipation, an ordinance was adopted which will relieve the State from chattel slavery on the 4th day of July, 1870, with such provisions for service to be rendered by the emancipated slave as justice and humanity appeared to the Convention to require.

Although the ordinance, as adopted by the Convention, is not in all its different provisions such as I myself approved, and probably not such as a majority of the Convention would have approved, yet as the subject is one which has always produced a diversity of opinion in regard to details among those who are the most earnest friends of emancipation, the ordinance, as passed, was accepted by a majority of the friends of emancipation as the best measure that could be agreed upon.

It cannot be expected of me that I shall enter into a vindication of the ordinance in all its details, as I voted in the Convention against some of its provisions, still I accepted it as a measure that will, in a brief period, accomplish the great object to be obtained, in making Missouri a free State.

I am aware that there are many who seize upon partic-

ular provisions of the ordinance, as a ground of objection to the whole measure, while others express apprehensions, that the delay in its taking effect exposes the whole measure to the danger of repeal. I am persuaded that no intelligent body of the friends of emancipation, who look at the subject in all its different bearings, with the eyes of justice and humanity, can ever be assembled without finding themselves differing in opinion about details, and therefore it is no solid objection to a plan of emancipation, that some of its details satisfy some of the friends of emancipation, while they dissatisfy others. As to the supposed danger of a repeal of the measure adopted, I regard it as altogether imaginary. I am fully persuaded that those interested in slave property in the State, in view of the great insecurity of such property, will never seek to disturb the measure as adopted, and no others have any interest in doing so, and thus I believe the measure will go quietly into operation, and the State be relieved from all the evils of slavery. If I am right in this belief, the further agitation of the subject of emancipation, while it may promote the organization of political parties, and keep up a contest for office, will contribute neither to the peace nor the prosperity of the State.

While in our present circumstances a diminution of the active labor of the State must be occasioned, it is important that with a wise forecast, we should adopt some measure for filling up the vacuum made in our population, by the war and by emancipation. It is important that we should provide means for the encouragement of immigration to the State from all countries from which we can obtain population.

I discover that other States are sending agents to Europe for the purpose of setting before the minds of the people there the advantage of emigration to their own States.

It is important that any person acting in the capacity of such agent, should really be known as a public agent, and be furnished with the credentials of his public character, in order to secure confidence in his representations, and thus make their mission successful. Mr. Frederick Roerer,

formerly residing in St. Louis, has been recommended to me as a gentleman highly qualified for the duties, and has recently gone to Europe to endeavor to promote emigration to the State, with no other security for his expense than the promise of a small salary from some of the railroad companies of this State; and another citizen of German birth has been sent to his native land by a manufacturer of St. Louis, in order to procure laborers necessary to the conduct of his business. All our interests, agricultural, and manufacturing, would be promoted by an agency recognized and supported by the authority of the State.

I would recommend, therefore, to your consideration the propriety of making an appropriation of twenty-five hundred dollars per annum to cover salary, including all expenses of such agency. The time is propitious for the enterprise, when an uneasy feeling pervades the public mind of Europe.

In relation to the railroads I have only to say, that I have so recently received any of their reports that I am unable to give any statement of their condition and prospects. There is one singular fact in relation to the Iron Mountain Railroad to which I would call your attention. It is, that the Company, having a surplus of the earnings over the expenses of their Road, have thought that they were under obligations to pay into the State Treasury a portion of that surplus, to be applied to the interest upon their bonds. Although the sum thus paid is small, yet it indicates a willingness to do something for the restoration of the credit of the State, and in that respect differs from the course pursued by other Roads, which have been in default.

As all Roads have their officers regularly in attendance upon each session of the General Assembly, no doubt their condition will be represented by persons so in attendance, and while I have no plan to suggest to you in relation to the Roads, I earnestly recommend that the speedy restoration of the credit of the State may be steadily kept in view in any measures that may be adopted.

In relation to the Finances of the State, I have no rec-

ommendation to make, in addition to that made in my message to you at your regular session, except that our circumstances require that the strictest economy should be preserved in the management of the State affairs.

Now, at the conclusion of this brief message, allow me to express the hope that your labors during your adjourned session, directed to the single object of promoting the welfare of the State, may contribute greatly to her peace and prosperity.

H. R. GAMBLE.

## VETO MESSAGES

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### TO THE HOUSE OF REPRESENTATIVES

MARCH 23, 1863

*From the Journal of the House of Representatives, pp. 626-627*

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EXECUTIVE MANSION, JEFFERSON CITY, March 23, 1863.

*To the House of Representatives:*

I have examined a bill which originated in the House of Representatives, entitled

“An act to amend an act entitled an act to regulate executions, approved December 1, 1855.”

And as I am unable to approve and sign the same, I return it with my objections to the House in which it originated.

My objection to the bill is: that it is repugnant to the Constitution of the United States, which prohibits the States from passing any law impairing the obligation of contracts; and that it is repugnant to the seventeenth section of the declaration of rights in the Constitution of Missouri, which declares that no law “impairing the obligation of contracts can be passed.”

The Supreme Court of the United States, in *McCracken vs. Hayward*, 2 Howard’s Reports, 608, and in *Bronson vs. Kinsie*, 1 Howard’s Reports, 211, passed upon an act of the Legislature of Illinois, containing provisions very similar to those of the bill now returned, and pronounced it an act which impaired the obligation of contracts, and, therefore, repugnant to the Constitution of the United States.

The act of Illinois thus adjudicated upon, provided that when an execution was levied upon property, the officer should cause it to be appraised by three householders of the county, and that it should not be struck off at a sale for less than two-thirds of the amount of the appraise-

ment. This brief statement of the features of the act shows it to have been almost exactly like the bill now returned to the House.

The Supreme Court of the United States having settled that such an act is void, because of its repugnancy to the Constitution of the United States, and our own courts having from the commencement of our State Government applied similar reasoning to acts of a like general character, I do not feel myself at liberty to approve the bill now returned. My obligation to support the Constitution of the United States, and the Constitution of this State forbids that I should give my assent to it.

H. R. GAMBLE.

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TO THE HOUSE OF REPRESENTATIVES.

NOVEMBER 18, 1863

*From the Journal of the House of Representatives, p. 61*

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EXECUTIVE MANSION, JEFFERSON CITY, November 18, 1863.

*To the Honorable, the Speaker of the House of Representatives:*

Sir—I return to the House of Representatives a bill which was presented to me for approval on the last day of its former session, entitled, “An act to amend an act entitled, an act creating a Board of Police Commissioners, and authorizing the appointment of a Police force for the city of St. Louis,” approved March 27, 1861, and I proceed to state my objections to the bill.

The bill provides that the Judges of the Circuit Court, Criminal Court and Court of Common Pleas of St. Louis county shall, on the first Monday in May next, meet and elect the four Commissioners provided for in the original act. Although the act is local in its character, this provision involves a general principle which I regard as of dangerous tendency.

The policy of our Governments, both State and Federal, has always been to separate the Judiciary from the exercise of power which is not connected with its own department;



this has been considered necessary for the purpose of maintaining public confidence in the Judiciary itself; the power of conferring office is the power least connected with the functions of a Judge, and more than any other, brings into suspicion the motives of him who possesses it, and therefore, for the sake of the Judiciary I object to this mode of appointment.

Again, the Judicial power of the State is, by the Constitution, vested in a Supreme Court, Circuit Courts, and such inferior tribunals as the Legislature may establish, and the Legislature has no right to require the Judge of any Court, recognized by the Constitution, to exercise any power that is not Judicial or connected with his duties as Judge.

For these reasons I decline approving the bill.

Your obedient servant,

H. R. GAMBLE.

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*TO THE SENATE.*

NOVEMBER 19, 1863

*From the Journal of the Senate, p. 45*

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EXECUTIVE MANSION, JEFFERSON CITY, November 19, 1863.

*To the Honorable the President of the Senate:*

Sir—I return to the Senate a bill which was presented to me for approval on the last day of its former session, entitled “an act to amend an ordinance, entitled an ordinance to provide for the organization and government of the Missouri State Militia,” approved October 18, 1861, and proceed to state the objections which prevent me from approving the same.

The bill provides that the Colonel, Lieutenant Colonel and Major of each regiment shall be elected by the officers, non-commissioned officers and privates. In times of profound peace, such a mode of selecting officers might not produce any bad results, but in times of war and commotion, when strict discipline is necessary to the success of military

operations it is not in my judgment safe, to have the field officers of a regiment in a condition in which they shall feel that they are indebted to the men under them for their positions. This is a sufficient reason in my judgment for declining to approve the bill.

Very respectfully,

Your obedient servant,

H. R. GAMBLE.

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## TO THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 1863

*From the Journal of the House of Representatives, p. 200*

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EXECUTIVE MANSION, JEFFERSON CITY, December 9, 1863.

*The Hon. the Speaker of the House of Representatives:*

Sir—I herewith return to the House of Representatives, a bill having the title of “An act to authorize the sale of the Platte City Female Academy,” with my objections thereto. The bill authorizes and requires the Sheriff of Platte county to make sale of certain property belonging to the Platte City Female Academy, in pursuance of a decree made by the Circuit Court of Platte county, on the 13th of October, 1859, in the suit of Almond and others against Todd and others; the sale to be at Platte City on the first Monday of any month he may select without regard to the court being in session, by giving the notice required by law.

Although, this is a mere private bill, affecting the rights of the parties in a single suit, yet involves an important question of Constitutional law.

The second article of the Constitution, declares, that the powers of Government shall be divided into three distinct departments, and that no persons charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others, except in instances expressly provided for in the Constitution.

The Judicial power adjudicates upon the rights of parties litigant in courts, and enforces those rights by process when ascertained.

The Legislative department, prescribes the mode of proceeding, by which the courts shall adjudicate, and enforce the rights of parties. In the exercise of this power, the Legislature has directed the kind of process to be issued on judgments, and the mode of exercising such process. Still it is the process of the Judicial department, executed by its own officers, according to the rule prescribed by law. It is competent for the Legislative Department, to change the law regulating Judicial proceedings, and the Judicial Department must conform to such change, unless the Constitution would be thereby violated; but it is not competent for the Legislature to take up a special case already pending in a court, and direct what shall be the proceeding in that suit, leaving the general law which regulates similar cases unaffected by such action. This would be equivalent to a mere order in the cause, and would not differ in principle from a Legislative order, that a particular suit should be continued to another term of the court, or that an execution to be issued in a particular cause, should be made returnable at a distant term, or that a particular description of property should alone be subject to sale under an execution issued in a particular cause.

Such action is not properly the exercise of Legislative power, but is the assumption of power, to order a different mode of proceeding in each suit pending before the Judicial Department, and will ultimately draw all the power of that department to the Legislature.

In the view which I take of this Bill, I am unable to approve it.

Very respectfully,

Your obedient servant,

H. R. GAMBLE.

## SPECIAL MESSAGES

## TO THE CONVENTION

(JUNE 13, 1862)

*From the Journal of the Missouri State Convention, pp. 37-38*

June 13, 1862.

*"Gentlemen of the Convention:*

"I desire to call your attention to a subject which in my judgment ought to be acted upon.

"The President of the United States, in a message sent to Congress during its present session, proposed the adoption of a joint resolution declaring the willingness of Congress to furnish aid to any of the slave States that may think proper to adopt a measure of gradual emancipation. The language of the resolution proposed is not quoted, but such is its substance.

"The resolution was adopted by both Houses, and so becomes an offer by Congress. If we assume that it will be carried into effect by appropriations to be made by a future Congress, it is a proposition of unexampled liberality, and, whatever may be the views of the members of the Convention upon the subject of emancipation, the proposition calls for a courteous response. Courtesy between governments is as much required as between individuals.

"This State has received from the Government of the United States great attention and kindness—large armies have been maintained for our protection against invasion, and they have battled gallantly in our defence—money has been given us by the Government to equip our own citizens for their own defence—and now a considerable number of troops of our own people are armed, subsisted, clothed and paid by the Government in order that we may protect ourselves. Under such treatment, it would be unbecoming to pass over in silent indifference a proposition originating with the President of the United States.

“Many of our own citizens, and possibly the authorities at Washington, have expected that the Convention would take some action upon a scheme of gradual emancipation. The Convention has acted upon an ordinance containing a scheme upon this subject by laying it upon the table. The course thus adopted is understood to dispose of the subject, according to your rules, for your present session, and therefore it is not now intended to propose to you to re-open and reconsider the subject.

“But this action of the Convention will, without doubt, be so misrepresented as to excite a hostile feeling to the State among all those in authority who favor emancipation, and thus injuriously affect the interests of the State. As no reason could be given upon the motion by which the ordinance was disposed of, the result may be represented as rudely discourteous to the President and Congress. The manifest propriety of making a response to the offer of the President and Congress affords an opportunity of removing all grounds for such an unjust and injurious imputation.

“If, in the understanding of the Convention, it was not contemplated by the people, when electing the body, that it should ever act upon the subject of slavery in the State, and therefore such action would be improper; or, if the Convention believes that the public mind is so agitated already that the proposal of any scheme of emancipation would produce dangerous excitement, there can be no objection to assigning either as a reason for abstaining from action upon the subject, and leaving it for a different body or another time. When the reason is thus given, misrepresentation is prevented, and the proposition made by the President and Congress is so answered that there will be no appearance of a design to treat their offer with neglect.

“In theory, Conventions are understood to possess all political power, but in actual practice they confine themselves to the measures upon which the people at the time of their election expected them to act. When this Convention was chosen, the subject before the public mind was

the relations between the State and the General Government. Acting upon this subject, the Convention deposed a Governor and Legislature because they were trying to disturb those relations; militia ordinances were adopted, because a military force was necessary to maintain those relations; the offices of all persons who refused to take an oath of allegiance were vacated, because official power in the hands of disloyal persons might be employed to disturb such relations; laws were vacated, because they had been passed for the purpose of bringing on a collision with the General Government;—in fine, the action of the Convention has been mainly addressed to the one subject which it was elected to consider, and to those which naturally arose out of it.

“When, then, it is asked to entertain a proposition which is to effect a radical change in the social organization of the State, it is well warranted in declining to act upon the proposition upon the ground that the people, in choosing the Convention, never intended or imagined that the body would undertake any social revolution wholly unconnected with the relations between the State and the General Government. No person who understands the principles of our government would object to such action, unless it be one who is willing to disregard all principle to accomplish a desired end.

“If the Convention, assembled from all parts of the State, is satisfied that in the present condition of the public mind any proposition upon the subject of emancipation would produce excitement dangerous to the peace of the State, the statement of that as a reason for declining to act upon the offer of the Government ought to satisfy every person that such declension is not intended as any disrespect to any other body or officer.

“It is not suggested that the Convention is to make any apology to any person; but as the proposition made by the Government of the United States is one which is entitled to a respectful answer in express language, it would be very appropriate to adopt a resolution as a direct response.

This need not produce any general discussion, as it need not involve the merits of the question of emancipation. It would only be an act of courtesy to the authorities of our own Government, who have made a proposition, which, if it ever be carried into effect, will exhibit the greatest liberality.

"It is therefore submitted to the Convention, that a resolution be adopted which shall be a response to the offer made by the President and Congress.

H. R. GAMBLE.

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### TO THE SENATE

JANUARY 12, 1863

*From the Journal of the Senate, pp. 55-56*

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EXECUTIVE MANSION, JEFFERSON CITY, January 12, 1863.

#### *To the President of the Senate:*

Sir—In reply to the resolution of the Senate, requesting me "to inform the Senate, whether the Granby Lead Mines have been leased by the Pacific Railroad Company, since the Southwest Branch of the Pacific Railroad, with the land granted for the building of the same, reverts to the State, and if so, to whom they were leased, and at what price."

I have to inform the Senate, that there is no paper on file in the Executive office, which will furnish a reply to the resolution of the Senate.

There is, however, in my possession, a document from which the following facts are ascertained:

First: That in 1857 the Pacific Railroad Company made a lease of the Granby Lead Mines to Col. Ferdinand Kennett, Peter Blow and Henry T. Blow for ten years.

Second: That in 1862, four years and a half before the expiration of this lease, and after the road and land had become the property of the State by the failure to pay interest on the State bonds, the Pacific Railroad Company

made a lease to The Messers. Blow for the mines, for ten years after the expiration of the first lease.

I have not possession of copies of these leases, but they can readily be obtained from the Company. The rents and terms of the leases cannot be here stated.

Very respectfully,

Your obedient servant,

H. R. GAMBLE.

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TO THE SENATE AND HOUSE OF  
REPRESENTATIVES.

FEBRUARY 4, 1863

*From the Journal of the House of Representatives, pp. 351-353*

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*To the Senate and House of Representatives:*

I transmit herewith a copy of certain resolutions adopted by the General Assembly of the State of Delaware, which I am requested by that body to lay before you.

Courtesy to a State in the Union, requires that I should thus respect the request of its Legislature, whatever may be my opinion of the resolutions they have adopted.

It is cause of the deepest regret, in the present condition of our nation, when the Government is struggling to maintain its own being, that the authorities of any State should add to its embarrassment by the adoption of resolutions which are calculated to withdraw the attention of the people from the grand issue involved in the present contest, and to weaken its energies in the suppression of the present rebellion. The resolutions, now transmitted, divide themselves into three classes—those which declare the principles upon which the Government was established—those which denounce unconstitutional acts and purposes of the present administration—and those which propose to terminate the war by an armistice and a National Convention. What is the grand issue involved in the present contest? It is this: Shall the nation be dissolved and anarchy prevail over the whole country? It may certainly be assumed at this day



as true, that all the loyal States repudiate the doctrine that any State has the right, under the Constitution, to dissolve its connection with the other States by any act of Secession.

The logical consequence of the denial of the right of secession, is that all the States which have attempted secession are still parts of the United States, and all their citizens are still citizens of the United States although in rebellion against the Government. It is still true, that the Constitution of the United States and the acts of Congress passed in pursuance thereof, are the supreme law of those States, as well as of the loyal States. It is still true, that the President is under the constitutional obligation to "take care that the laws be faithfully executed" in those States as well as in the loyal States, and under his oath of office he is still bound to "preserve, protect and defend the Constitution of the United States," in the revolted as well as in the loyal States. It is still the duty of the Government to maintain its authority and suppress rebellion in all the States. These consequences inevitably result from the denial of the right of secession. What is now the condition of the country? Several States claim that they have adopted proceedings by which they have rightfully withdrawn from the Union, and have formed themselves into a separate and independent nation. They resist the authority of the Government of the United States within their borders by force of arms. They seek no change of measures or policy on the part of the Government, as affecting them, as part of the Union, but claim as their right, the recognition of their independence. This is their sole and peremptory demand. They ask no armistice. They seem content to determine the issue by arms. If we look to the Constitution of the United States, we will find that there is no power conferred by that instrument upon any one department of the Government, nor upon all the departments combined, to dissolve the Government and destroy the nation, by acknowledging the independence of any of the States. If the instrument (designed to organize a National Government) had conferred

such power to commit suicide upon any of the departments of Government, the whole instrument would be infinitely absurd. If then, in the present contest, one party demands a recognition of its independence, and the other has no power to comply with the demand, it is manifest that the question can only be settled by the sword. We may desire peace, we may pray for peace, but no peace is possible, unless the revolted States will submit. To make peace upon any other terms would be to dissolve the Union among all the States, because they, each for itself entered into a Union that then embraced some or all of the revolted States, and to change that Union is to make a new Government, which would require a new consent of the States to be included in it.

What then is the use of calling a National Convention under such circumstances? We know that the revolted States would not go into such convention, because it would be an abandonment of their claims of independence. They ask for no such Convention. If it were to be formed of delegates from the loyal States alone, it could have no power in restoring the Union, otherwise than by so abasing the nation at the feet of the rebellion that the rebels would graciously condescend to receive us back into a Union with them. Such a Convention would be much more likely to produce alienation and exasperation among the loyal States, than to restore the Union as it was. It would be unjust to the Legislature of Delaware, to suppose that when they resolve in favor of a "National Convention," for the purpose of adopting a plan which will "secure the integrity of the Union," they desire to have a Convention which will dissolve the Union, by acknowledging the independence of the revolted States; and yet, in present circumstances, there is no warrant for believing that a Convention could be held, which would embrace more than the loyal States; nor is there any ground to suppose that anything short of a recognition of the independence of the revolted States, would satisfy them.

It is well for all who are willing to divide the country,

to understand that the States of the Northwest, when looking down the Mississippi to the Gulf will never consent to find the line of a foreign nation crossing the stream, and so the separation of the States in the Southern part of the Mississippi Valley from the Union, is with us wholly inadmissible.

If it be desired by the Legislature of Delaware to have a Convention for the purpose of proposing amendments to the Constitution, then it is to be called by Congress, upon the application of the Legislatures of two-thirds of the States, and the amendments must be ratified by the Legislatures of three-fourths of the States before they become parts of the Constitution. Upon the supposition, that the revolted States are still parts of the Union, no amendments can be adopted without being ratified by some of them, and surely it will be time enough to propose amendments to the Constitution for their benefit when they acknowledge that they are subject to its provisions and renounce their claim of independence. It is sufficient to call your attention to considerations such as are thus briefly stated as an answer to the proposals to have a National Convention. So in regard to an armistice. An armistice is commonly agreed upon preliminary to negotiation between the belligerents, but when the only question is whether the Union shall be dissolved, we are not going to negotiate about it, and therefore an armistice would be but a waste of time. Inexorable logic requires us to settle the dispute by fighting, and that with as little delay as possible. It is true that if we are willing to admit that we are beaten, and that we cannot suppress the rebellion, the sooner we stop fighting the better. But I apprehend the loyal men of the loyal States do not admit that the nation is beaten, Nor should they, when we are to-day in possession of more of the territory of the revolted States than we have occupied since the commencement of the rebellion, and when our preparations are greater than ever before. The Legislature of Delaware denounces many acts of the present Administration of the United States Government, and the purposes

for which the war is carried on as unconstitutional, I will not enter into an examination of the constitutionality of these alleged acts and designs. Our laws furnish redress for injuries received from unconstitutional acts, when they affect individuals and an officer is responsible to the public through forms of proceedings recognized by the Constitution and Laws.

But the reason for abstaining from any discussion of such questions here, is that the great question, whether, the nation shall live or die, ought to absorb our chief attention. The stupendous violation of the Constitution attempted by the revolted States engrosses my attention, as no doubt it will yours. If we can prevent the success of that we can attend to other violations afterwards. In all probability, resolutions of similar import will be received from other States, and when received they will be communicated to you. Whether you will notice those now submitted by any resolutions of your own, or simply pass them by in silence as is often done, is referred to your own judgment. It is worthy of consideration, however, whether the latter course is not to be preferred until it shall appear whether anything seriously affecting the unity of the nation is contemplated by the bodies which adopt such resolutions.

H. R. GAMBLE.

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### TO THE SENATE

MARCH 5, 1863

*From the Journal of Executive Business in Senate Journal, p. 609*

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EXECUTIVE MANSION, JEFFERSON CITY, March 5, 1863.

*To the Honorable, the President of the Senate:*

Sir—I nominate the following named persons for appointment in the Enrolled Militia:

*For Brigadier Generals:*

John B. Gray,  
John McNeill,

Odon Guitar,  
Willard P. Hall,  
Thomas L. Crawford,  
Richard C. Vaughn,  
Albert G. Edwards,  
Thomas J. Bartholow,  
C. B. Holland.

*For General Staff:*

General John B. Gray, to be Adjutant General.  
Colonel E. Anson More, to be Quartermaster  
General.  
Colonel Alten R. Easton, to be Inspector General.

The following nominations are made for other officers  
in the General Staff, which are held without pay as now  
endorsed upon their present commissions:

John T. Hodgen, for Surgeon General.  
C. P. E. Johnson, for Paymaster General.

H. R. GAMBLE.

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TO THE SENATE AND THE HOUSE OF  
REPRESENTATIVES

MARCH 9, 1863

*From the Journal of the Senate, p. 380*

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EXECUTIVE MANSION, JEFFERSON CITY, March 9, 1863.

*To the Senate and House of Representatives of Missouri:*

I have approved and signed a Senate bill entitled

An act to provide the means for the payment and  
support of the Enrolled Militia forces of the State of Missouri.

In reading this bill I find a provision which I fear will  
produce an almost entire disbanding of the Enrolled Militia.

I refer to the tenth section which allows every man in  
the Enrolled Militia to purchase an exemption from all  
military service for a year by refusing for any cause to do  
military service, and paying ten dollars and one per cent  
upon his taxable property.

A very large part of the Enrolled Militia consists of men who have no taxable property, or so little, that the per cent. will be a mere trifle, yet to them the time employed in military service, is of sufficient value to make it very desirable to obtain an exemption. They will pay the ten dollars and be free for a year from all duty.

As soon as this process commences and organizations begin to be dissolved, the whole will disappear, and the State will be left without an organized militia force.

The opinion that such will be the effect of this section, is formed upon the knowledge of the very great desire generally manifested at the time of the original enrollment to obtain exemptions from service; in some cases leading men known to have been steadfast Union men, to enroll themselves as disloyal with the expectation that they would thereby escape.

I submit to you the recommendation, that by a supplement act this section be repealed, or that the exemption, if it is allowed to be purchased, shall be obtained upon other terms than those prescribed in the section.

In some cases, men have applied to be exempted upon their conscientious scruples about bearing arms under the 18th section of the Declaration of Rights, and they have been allowed to be exempted upon paying one hundred and fifty dollars.

As the Constitution is imperative in respect to men having such scruples they must be exempted, and there are other classes of men who have been exempted because they have been usually exempt in military laws, such as ferrymen, etc., but if a man is to be exempted for a mere pecuniary consideration, that consideration ought to be high enough to pay another man for rendering the service.

The attention of the General Assembly is called to this tenth section of the act before named, with the recommendation that it be either repealed or very materially qualified.

H. R. GAMBLE.

*TO THE SENATE*

MARCH 10, 1863

*From the Journal of Executive Business in Senate Journal, pp. 616-617*

EXECUTIVE MANSION, JEFFERSON CITY, March 10, 1863.

*To the Honorable, the President of the Senate of Missouri:*

I nominate to the Senate for Brigadier Generals of the State Militia, in the force raised under my arrangement with the President, the following persons:

John M. Schofield,  
Ben. Loan,  
James Totten,  
Egbert B. Brown.

*For Colonels of Regiments:*

James McFarran, Colonel of 1st Cavalry,  
John McNeil, Colonel of 2d Cavalry,  
E. Smart, Colonel of 3d Cavalry,  
George Hall, Colonel of 4th Cavalry,  
Albert Sigel, Colonel of 5th Cavalry,  
E. C. Catherwood, Colonel of 6th Cavalry,  
John F. Philips, Colonel of 7th Cavalry,  
Joseph J. Gravelly, Colonel of 8th Cavalry,  
Odon Guitar, Colonel of 9th Cavalry.

*For Lieutenant Colonels:*

John E. Benjamin, of 2d Regiment Cavalry,  
Fred Morsey, of 3d Regiment Cavalry,  
Walter King, of 4th Regiment Cavalry,  
Joseph A. Eppstein, of 5th Regiment Cavalry,  
Henry O. Neville, of 6th Regiment Cavalry,  
Thos. T. Crittenden, of 7th Regiment Cavalry,  
Marshal W. Johnson, of 8th Regiment Cavalry,  
John F. Williams, of 9th Regiment Cavalry.

*For Majors:*

J. B. Rogers, Major of 2d Cavalry,  
J. B. Dodson, Major of 2d Cavalry,  
Hiram M. Miller, Major of 2d Cavalry,  
Richard G. Woodson, Major of 3d Cavalry,  
Henry L. McConnell, Major of 3d Cavalry,  
George W. Kelly, Major of 4th Cavalry,  
Douglass Dale, Major of 4th Cavalry,  
John B. Kaiser, Major of 5th Cavalry,  
Waldemar Fischer, Major of 5th Cavalry,  
George E. Leighton, Major of 5th Cavalry,  
Samuel B. Shaw, Major of 6th Cavalry,  
Abraham Allen, Major of 6th Cavalry,  
Austin A. King, Jr., Major of 6th Cavalry,  
Emery S. Foster, Major of 7th Cavalry,  
Henry S. Suess, Major of 7th Cavalry,  
Daniel M. Draper, Major of 8th Cavalry.

In consequence of the consolidation of regiments, recently effected under act of Congress, changes have been made in some of the offices, and the list of the Field Officers has not been completed, but will be before the Senate adjourns, and nominations will be sent in.

H. R. GAMBLE.

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*TO THE SENATE*

MARCH 16, 1863

*From the Journal of Executive Business in Senate Journal, pp. 618-619*

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EXECUTIVE MANSION, JEFFERSON CITY, March 16, 1863.

*To the Honorable, the President of the Senate:*

Sir—I nominate to the Senate for their advice and consent the following persons:

Thomas J. Bartholow and E. B. Holland, to be Brigadier Generals of the Enrolled Militia. This recommendation is made upon the expressed wish of Senators, who desire



that another opportunity be offered of passing upon the merits of these gentlemen.

I also nominate for Brigadier General of Enrolled Militia James R. McCormick.

I nominate for appointment in the State Militia, Basil F. Lazear, to be Lieutenant Colonel of 3d Regiment.

H. M. Mathews, to be Major of same Regiment.

John C. Wilbur, to be Major of 8th Regiment.

John F. Tyler, to be Colonel of 1st Regiment of Infantry.

Very respectfully,

H. R. GAMBLE.

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### TO THE SENATE

MARCH 18, 1863

*From the Journal of Executive Business in Senate Journal, pp. 619-621*

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EXECUTIVE MANSION, JEFFERSON CITY, March 18, 1863.

*To the Honorable, the President of the Senate:*

Sir—At the request of Senators, I nominate again to the Senate for appointment of Brigadier General of Enrolled Militia, Thomas L. Crawford.

At a like request of Senators, I renominate Frederick Morsey, to be Lieutenant Colonel of the 3d Regiment Cavalry, Missouri State Militia, and for the purpose of your considering this nomination, I withdraw for the present the nomination of Lieutenant Colonel Lazear.

I nominate Captain John Cosgrove, to be Major of the 8th Regiment Cavalry, Missouri State Militia.

I nominate the persons named in the enclosed list for appointment in the Enrolled Militia to the offices affixed to their respective names.

Respectfully, your obedient servant,

H. R. GAMBLE.

## LIST OF NOMINATIONS FOR APPOINTMENTS IN THE ENROLLED MISSOURI MILITIA.

No. of Reg.	Name.	Rank.	Date of appointment.	Remarks.
1st...	Wm. P. Fenn.....	Colonel..	October 11, 1862.	Not con- firmed.
1st...	Robert C. Allen....	Lieut. Colonel	October 11, 1862.	
1st...	Hiram Inman....	Major....	October 11, 1862.	
2d...	E. Stafford.....	Colonel...	September 23, 1862.	
2d...	Henry C. Wright...	Lieut. Colonel.	September 23, 1862.	
2d...	Emile Thomas.....	Major....	September 23, 1862.	
3d...	N. Schittner.....	Colonel....	September 30, 1862.	
3d...	John H. Fisse.....	Lieut. Colonel.	September 9, 1862.	
3d...	Adolph Hugo.....	Major....	September 30, 1862.	
4th...	C. D. Wolf.....	Colonel...	October 18, 1862.	
4th...	Christian Ploeser...	Lieut. Colonel.	October 18, 1862.	
4th...	Christian Goerisch	Major....	October 18, 1862.	
5th...	Fred T. Boyle.....	Colonel..	September 24, 1862.	
5th...	John G. Prather...	Lieut. Colonel	September 24, 1862.	
5th...	Louis Duestrow....	Major....	October 31, 1862.	
6th...	Aug. S. Boernstein.	Lieut. Colonel	October 1, 1862.	
6th...	Henry C. Marston...	Major.....	September 25, 1862.	
7th...	George E. Leighton..	Colonel....	September 23, 1862.	
7th...	E. C. Pike.....	Lieut. Colonel.	September 23, 1862.	
7th...	Henry Senter.....	Major....	September 23, 1862.	
8th...	John Knapp.....	Colonel.....	September 22, 1862..	
8th...	Asa S. Jones.....	Lieut. Colonel	September 22, 1862.	
8th...	Fred B. Homes.....	Major....	September 22, 1862.	
9th...	John M. Krum.....	Colonel....	October 1, 1862.	
9th...	H. H. Catherwood...	Lieut. Colonel	October 15, 1862.	
9th...	Oscar F. Lowe.....	Major....	October 15, 1862.	
10th...	E. H. E. Jameson...	Colonel..	September 24, 1862.	
10th...	Geo. A. Schaeffer...	Lieut. Colonel.	September 24, 1862.	
10th...	Fred. Doering....	Major....	September 24, 1862.	
11th...	Wm. Cuddy.....	Colonel..	September 17, 1862.	
11th...	E. C. Harrington...	Lieut. Colonel	September 17, 1862.	
11th...	James Coff.....	Major....	September 17, 1862.	
12th...	William Bailey.....	Colonel.....	October 9, 1862.	
12th...	Edw. Beckmann....	Lieut. Colonel	October 9, 1862.	
12th...	Henry F. Bardeen...	Major....	October 9, 1862.	
13th...	B. M. Million.....	Colonel....	September 24, 1862.	
13th...	John B. Marcy.....	Lieut. Colonel.	September 24, 1862.	
13th...	Theodore G. Mercer..	Major....	September 24, 1862.	
16th...	M. W. Warne.....	Colonel....	September 17, 1862.	
16th...	W. H. Stone.....	Lieut. Colonel	September 17, 1862.	
16th...	O. B. Filley.....	Major....	September 17, 1862.	
17th...	Charles L. Tucker...	Colonel.....	September 17, 1862.	
17th...	S. G. Sears.....	Lieut. Colonel	September 17, 1862.	
17th...	J. O. Pearce.....	Major.....	September 17, 1862.	
20th...	P. Stremmel.....	Colonel.....	February 5, 1863.	
20th...	John K. Cummings..	Lieut. Colonel.	February 9, 1863.	
20th...	Thomas Cuddy.....	Major.....	February 9, 1863.	
22d...	Thomas Miller, Jr...	Colonel.....	October 29, 1862.	
22d...	Joab Lawrence.....	Lieut. Colonel.	October 29, 1862.	
22d...	Nathan Cole.....	Major.....	October 29, 1862.	
25th...	John Severance.....	Colonel.....	September 8, 1862.	
25th...	Thomas Harbine.....	Lieut. Colonel.	September 11, 1862.	

## LIST OF NOMINATIONS FOR APPOINTMENTS IN THE ENROLLED MISSOURI MILITIA—CON.

No. of Reg.	Name.	Rank.	Date of appointment.	Remarks.
25th...	Peter Walker.....	1st Major....	September 8, 1862	Rejected March 25.
25th...	John T. Ross . . . .	2d Major . .	September 21, 1862.	
26th...	James W. Johnson .	Colonel . .	September 1, 1862.	
26th...	Benjamin D. Smith.	Lieut. Colonel	September 1, 1862.	
26th...	William B. Mitchell.	Major . .	September 1, 1862.	
27th...	Benjamin Emmons.	Colonel . .	September 20, 1862.	
27th...	John D. Holrah.....	Lieut. Colonel	September 20, 1862	
27th...	August Marken....	Major . .	September 20, 1862.	
28th...	L. Zevely . . . . .	Colonel . .	September 11, 1862.	
28th...	Adam Miller . . . .	Lieut. Colonel.	September 11, 1862.	
28th...	Daniel M. Davis.	Major . . . .	September 11, 1862.	
29th...	E. A. Kentzner . . .	Colonel... .	September 27, 1862.	
29th...	John Baker . . . . .	Lieut. Colonel	September 27, 1862.	
29th...	James Means. . . .	Major . . . .	September 27, 1862.	
30th...	John H. Shanklin... .	Colonel . . .	August 21, 1862.	
30th...	Jewett Norris . . . .	Lieut. Colonel	September 5, 1862.	
30th...	Stephen Perry.....	Major... .	September 20, 1862.	
31st...	Manlove Cranor. . .	Colonel . . .	September 15, 1862.	
31st...	James Curry . . . . .	Lieut. Colonel	September 15, 1862.	
31st...	Allen Atkinson.....	Major . . . .	September 15, 1862.	
32d...	Thomas J. Whiteley..	Colonel . . .	October 21, 1862. . .	
32d...	Irwin K. Walker....	Lieut. Colonel	October 21, 1862.	
32d...	James Cooke . . . .	Major . . . .	October 21, 1862.	
33d...	W. S. Brown . . . .	Colonel . . .	September 26, 1862.	
33d...	William F. Flint....	Lieut. Colonel	October 6, 1862.	
33d...	Oliver Wells . . . .	Major... .	October 6, 1862.	
34th...	James O. Sitton . . .	Colonel . . .	September 13, 1862.	
34th...	George Klinge.....	Lieut. Colonel	September 13, 1862.	
34th...	John Goos . . . . .	Major . . . .	September 13, 1862.	

H. R. GAMBLE.

## TO THE SENATE.

MARCH 21, 1863

*From the Journal of Executive Business in Senate Journal, 1863-64, p. 624*

EXECUTIVE MANSION, JEFFERSON CITY, March 21, 1863.

*To the Honorable, the President of the Senate:*

Sir—I hear rumors of accusations against Colonel James McFerran, who has been nominated to the Senate for confirmation as Colonel of 1st Regiment of Cavalry, Missouri State Militia.

The accusations have not been made known to me in a definite form, but the rumors, as they come to me, render it proper that I withdraw his nomination and have the accusations investigated.

Very respectfully,

Your obedient servant,

H. R. GAMBLE.

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*TO THE SENATE.*

MARCH 23, 1863

*From the Journal of Executive Business in Senate Journal, pp. 627-628*

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EXECUTIVE MANSION, JEFFERSON CITY, March 23, 1863.

*To the Honorable, the President of the Senate:*

Sir—I am requested by several Senators to renominate E. C. Catherwood for Colonel of the 6th Regiment Cavalry, Missouri State Militia. I comply with their request, and renominate him for that appointment merely in response to that request.

I nominate Joseph K. Robinson for Major of the 4th Regiment Cavalry, Missouri State Militia.

The enclosed list contains the names of gentlemen whom I nominate for the offices in the Enrolled Militia which are connected with their respective names. There are other nominations which will be made at your adjourned session.

Very respectfully,

H. R. GAMBLE.

*List of Appointments in the Enrolled Missouri Militia.*

Frank W. Hickox, to be Colonel of 43d Regiment  
E. M. M.

Clark H. Green, to be Colonel of 46th Regiment  
E. M. M.

George W. Anderson, to be Colonel of 49th Regiment  
E. M. M.

W. H. McLain, to be Colonel of 56th Regiment E. M. M.

Rob. M. Brewer, to be Colonel of 64th Regiment E. M. M.

James Lundry, to be Colonel of 68th Regiment E. M. M.

Wm. M. Redding, to be Colonel of 69th Regiment E. M. M.

Henry Shepperd, to be Colonel of 72d Regiment E. M. M.

Ratliff Palmer, to be Colonel of 73d Regiment E. M. M.

Marcus Boyd, to be Colonel of 74th Regiment E. M. M.

Kersey Coates, to be Colonel of 77th Regiment E. M. M.

Henry Neill, to be Colonel of 71st Regiment E. M. M.

Wm. D. Rodgers, to be Colonel 44th Regiment E. M. M.

Jas. H. Moss, to be Colonel 48th Regiment E. M. M.

Asa C. Marvin, to be Colonel 60th Regiment E. M. M.

Jas. G. Kettle, to be Colonel 67th Regiment E. M. M.

R. R. Speddin, to be Colonel 40th Regiment E. M. M.

C. W. Parker, to be Colonel 37th Regiment E. M. M.

John B. Hale, to be Colonel 65th Regiment E. M. M.

Oliver P. Phillips, to be Colonel 66th Regiment E. M. M.

John D. Allen, to be Colonel of 76th Regiment E. M. M.

Samuel M. Wirton, to be Colonel of 50th Regiment E. M. M.

Hermann L. Bruns, to be Lieutenant Colonel of 42d Regiment E. M. M.

Andrew J. Hart, to be Lieutenant Colonel of 43d Regiment E. M. M.

Alex. F. Denny, to be Lieutenant Colonel of 46th Regiment E. M. M.

John M. Melroy, to be Lieutenant Colonel of 49th Regiment E. M. M.

George C. Thelenius, to be Lieutenant Colonel of 56th Regiment E. M. M.

~~Wm.~~ Joseph C. Kelleen, to be Lieutenant Colonel 64th Regiment E. M. M.

George W. King, to be Lieutenant Colonel of 68th Regiment E. M. M.

F. S. Jones, to be Lieutenant Colonel of 72d Regiment E. M. M.

Moses L. Alsop, to be Lieutenant Colonel of 73d Regiment E. M. M.

John S. Coleman, to be Lieutenant Colonel of 74th Regiment E. M. M.

Frank Foster, to be Lieutenant Colonel of 77th Regiment E. M. M.

Wm. H. Harrison, to be Lieutenant Colonel of 44th Regiment E. M. M.

Charles W. Porter, to be Lieutenant Colonel of 48th Regiment E. M. M.

Joel B. Holburt, to be Lieutenant Colonel of 60th Regiment E. M. M.

John Doniphan, to be Lieutenant Colonel of 39th Regiment E. M. M.

Jas. H. Brown, to be Lieutenant Colonel of 40th Regiment E. M. M.

Willis G. Farley, to be Lieutenant Colonel of 37th Regiment E. M. M.

Richard S. Dunn, to be Lieutenant Colonel of 65th Regiment E. M. M.

Samuel W. Miller, to be Lieutenant Colonel of 66th Regiment E. M. M.

James M. Smith, to be Lieutenant Colonel of 96th Regiment E. M. M.

Joseph F. Hume, to be Major of the 43d Regiment E. M. M.

Charles A. McNair, to be Major of the 46th Regiment E. M. M.

Robert A. Campbell, to be Major of the 49th Regiment E. M. M.

Casper Uhl, to be Major of the 56th Regiment E. M. M.

Charles A. Webber, to be Major of the 64th Regiment E. M. M.

Robt. L. Lindsey, to be Major of the 68th Regiment E. M. M.

George H. Simpson, to be Major of the 69th Regiment  
E. M. M.

John Hornbeak, to be Major of the 72d Regiment  
E. M. M.

Wm. Turner, to be Major of the 73d Regiment E. M. M.

John F. McMahon, to be Major of the 74th Regiment  
E. M. M.

Frederick Klinger, to be Major of the 77th Regiment  
E. M. M.

John E. Ryland, to be Major of the 71st Regiment  
E. M. M.

David M. King, to be Major of the 44th Regiment  
E. M. M.

John R. Green, to be Major of the 48th Regiment  
E. M. M.

Andrew J. Pugh, to be Major of the 60th Regiment  
E. M. M.

James C. Bay, to be Major of the 67th Regiment  
E. M. M.

John M. Clark, to be Major of the 39th Regiment  
E. M. M.

Wm. Gentry, to be Major of the 40th Regiment  
E. M. M.

Ashbury C. Marsh, to be Major of the 37th Regiment  
E. M. M.

Jesse N. Wall, to be Major of the 65th Regiment  
E. M. M.

Wick Morgan, to be Major of the 76th Regiment  
E. M. M.

James Legg, to be Major of the 42d Regiment E. M. M.

[H. R. GAMBLE.]

## TO THE SENATE.

MARCH 23, 1863

*From the Journal of Executive Business in Senate Journal, pp. 628-29*

EXECUTIVE MANSION, JEFFERSON CITY, March 23, 1863.

*To the Honorable, the President of the Senate:*

Sir—I nominate to the Senate for Police Commissioners of the city of St. Louis:

John How,  
William Patrick,  
John Riggén.

I nominate for Board of Commissioners of Deaf and Dumb Asylum:

Thomas B. Nesbit,  
Dr. J. W. Martin,  
James Dunn, Jr.,  
W. W. Tuttle,  
Daniel Nolley.

I nominate for Board of Managers of Lunatic Asylum:

Dr. Rufus Abbott, of Fulton,  
Dr. Wm. Taussig, of St. Louis,  
John H. Lightner, of St. Louis,  
James H. Tucker, of Fulton,  
E. R. Parker, of Fulton,  
E. J. Curd, of Fulton,  
William W. Wilson, of Fulton.

H. R. GAMBLE.

## TO THE SENATE

MARCH 23, 1863

*From the Journal of Executive Business in Senate Journal, p. 629*

EXECUTIVE MANSION, JEFFERSON CITY, March 23, 1863.

*To the Honorable, the President of the Senate:*

Sir—I nominate William Heren to be Colonel, E. D. Nash Lieutenant Colonel, and John McLain Major of the 41st Regiment of Enrolled Militia.



Also W. J. W. Bickett to be Colonel, H. A. Fox Lieutenant Colonel of the 36th Regiment Enrolled Missouri Militia.

H. R. GAMBLE.

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## TO THE CONVENTION

JULY 1, 1863

*From the Journal of the Missouri State Convention, pp. 48-49*

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EXECUTIVE MANSION, JEFFERSON CITY, July 1, 1863.

*Gentlemen of the Convention:*

Your committee presented me, on the evening of the 27th ult., your resolution in which you request me to withdraw my resignation of the office of Governor which I communicated to you on the first day of your present session.

This manifestation of continued public confidence, after two years of a stormy and difficult administration, cannot be otherwise than exceedingly grateful to me.

The reason which I assigned for tendering my resignation was, that I had been chosen by you to the position of Governor at the time when the only danger we apprehended was that of being overrun and subdued by the soldiery and supporters of the rebel confederacy—that such danger was now over, and the condition of Missouri was fixed as a loyal State in the Union. In other words, all that you had asked me to do had been performed, and therefore I was at liberty to consult my own feelings and retire from office.

The request contained in your resolution involves the idea that I am to undertake a new labor—that labor can be nothing less than that I shall endeavor to restore order and the supremacy of civil government over the discordant elements at work within the State. It may be difficult to accomplish the task. It can be accomplished only by the earnest, hearty co-operation of all who are interested in

the real welfare of the State. In this work there is no room for the influence of party spirit. The discord of a family must cease when their dwelling is on fire, until they have extinguished the fire. When the State is restored to internal quiet, we may resume our party disputes about men and measures. In times of peace, such disputes are not dangerous, but rather tend to the purity and permanence of the Government.

The work of restoring order within the State is one which will subject me to even more vile and unmeasured calumnies, which have been continually heaped upon me ever since the people lost their fear of being overcome by the rebels. In patient silence I have borne these assaults in the past, with the means of easy vindication in my possession; and if it is my duty to the State to continue to expose myself to the detraction of bad men, I must encounter their attacks in the path duty points out. They shall never move me from that path.

Is it, then, my duty to the State to continue in office until quiet is restored? Your demand upon me is entitled to great consideration, because it is the expression of the judgment of a majority of the body with which I have heretofore acted with perfect harmony. Added to that are the numerous requests of citizens in different parts of the State. Still further, it is the judgment of the Commanding General of this department that my services will be of great value to him in aiding him in his work of pacifying the State.

And yet again, I called you together to devise and adopt a scheme upon which our slaves are to be emancipated; and you have performed the duty, and made in the name of and for the people a sacrifice, the magnanimity of which has not often been witnessed in the history of nations. I have taken part in your deliberation and action upon this great question, and during its progress I made the declaration in your presence, that if some scheme was not adopted, I could not consent to hold office; thereby giving a kind of assurance that I would continue to act if you would adopt a scheme of emancipation. And this occurred after

your resolution was passed, and designed to gain some support to the cause of emancipation. To some extent I may be understood to have committed myself to continue in office, at least while the State is disturbed, and the administration of ordinary civil government is interrupted. I always try to redeem my pledges. I therefore withdraw my resignation, and will again involve myself in the cares and perplexities of office; not to be, as the *sagacious* President of the United States regards me, the head of a faction, but an officer of the State, above all party influences, and careless of everything but the interest of the State.

H. R. GAMBLE.

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### TO THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 1863

*From the Journal of the House of Representatives, p. 61*

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EXECUTIVE MANSION, JEFFERSON CITY, November 18, 1863.

*To the Hon. L. C. Marvin, Speaker of the House of Representatives:*

Sir—Your note, accompanying a letter from H. H. Bidford to yourself, is received.

Mr. Bidford says, that in consequence of there having been no election in the counties of Stoddard, Dunklin and Ripley, the seats of members from those counties are vacant.

As the vacancies exist in consequence of there having been no election, some action of the House, declaring the vacancies, together with your certificate as Speaker of the House, is necessary to constitute an official notification upon which I can issue writs of election.

I hope you will call the attention of the House to this matter.

Very respectfully,

Your obedient servant,

H. R. GAMBLE.

## TO THE SENATE

NOVEMBER 21, 1863

*From the Journal of the Senate, pp. 57-58*

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EXECUTIVE MANSION, JEFFERSON CITY, March 23, 1863\**To the Honorable, the President of the Senate:*

I have approved and signed this day, Senate Bills of the following titles:

An act repealing the ninth section of an act to prevent illegal banking and the circulation of depreciated paper currency, within this State. Approved December 8, 1855.

An act to repeal an act amendatory of an act entitled an act concerning crimes and their punishments.

An act for the relief of the minor heirs of William S. Harris, deceased.

An act for the relief of Garland C. Broadhead, late Assistant Geologist of the State of Missouri.

An act for the relief of James W. Smith and William F. Smith of Pike county, Mo.

An act for the benefit of Henry J. Deal.

An act to incorporate the Mason Savings Institution.

An act to change the name of the Platte County Railroad, and for other purposes.

An act for the relief of Joel M. Huffman, Collector of Laclede county.

An act concerning the Assessors of Vernon and other counties, for the years 1862 and 1863.

An act concerning Banks and the Bank Commissioner.

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\*The President also laid before the Senate the following communication from the Governor, which was endorsed on the back thereof, as follows: 'Executive Mansion, March 23, 1863.'

'This communication was sent to the Senate Chamber, without a knowledge that the Senate had adjourned, the Governor having received no information of the fact.' From *The Journal of the Senate, Adjourned Session, 1863-64, pp. 57-58.*

An act to incorporate Bonham's Female Seminary of St. Louis.

An act for the benefit of John C. Cates, of Ray county.

Also concurrent resolution, that the Secretary of State furnish the Governor with a certified copy of the joint memorial for the extension of the Southwest Branch Pacific Railroad.

Also joint resolution, appropriating four hundred dollars to the payment of the Secretary of State, as ex-officio Superintendent of Common Schools, for services rendered.

I have returned to the office of the Secretary of State, a paper which has been submitted to me with the following title:

An act to amend an act entitled an act to establish a State Road from the town of Spencersburg, in Pike county, to the town of Wellsburg, in Montgomery county, approved March 19, 1861, which, as it has no enacting clause, I regard as a mere nullity, and I have not therefore considered its merits.

Also,

An act declaring Richard D. Shannon of age.

An act to repeal an act entitled an act to establish a uniform system of publishing notices of Judicial Sales and other legal notices, in St. Louis county, State of Missouri.

An act to revive an act entitled an act to incorporate the town of Sedalia, and for other purposes.

An act requiring the Secretary of State to certify to the Clerk of the County Court of St. Clair county, a list of swamp lands in said county.

An act relative to Railroad Directors or other officers, Bank Directors, or other officers, and directors or other officers, or trustees of any incorporated company or institution.

An act to appropriate money for the use of the State Lunatic Asylum, and for other purposes.

An act to incorporate the Dallas County Manufacturing Company.

An act for the relief of Henry Clamorgan, Cyperian Clamorgan, and the heirs of Louis Clamorgan, deceased.

An act authorizing the payments of the claims of certain persons for services rendered in the Missouri State Militia, under call of the Governor.

An act for the relief of James Johnson of Gasconade county.

An act for the benefit of the Assessor of Camden county, and for other purposes.

An act concerning the House of Refuge of St. Louis county.

H. R. GAMBLE.

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### TO THE SENATE.

DECEMBER 11, 1863

*From the Journal of Executive Business in Senate Journal, pp. 632-634*

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EXECUTIVE MANSION, JEFFERSON CITY, December 11, 1863.

*To the Honorable, the President of the Senate:*

Sir—I transmit herewith the nominations of the officers of the Missouri State Militia and the Enrolled Missouri Militia, which require confirmation by the Senate.

In some cases in which the nominations are made the officers have resigned, and their resignations have been accepted, and the nominations are now made to enable them to obtain pay for past services.

The act passed at your last session for the pay of the Enrolled Missouri Militia forbids the payment of officers until their nominations have been acted on by the Senate:

## OFFICERS OF THE ENROLLED MISSOURI MILITIA

Name.	Rank.	Regiment.	Remarks.
Joseph B. Douglass .	Brigadier General	3d.	
Adolph Hugo.	Colonel .	3d.	
Tony Niederweiser . . . .	Lieutenant Colonel . .	6th.	
A. D. Sloan. . .	Major. . .	6th.	
W. L. Catherwood . . . .	Major . . . .	8th.	
Henry H. Catherwood . .	Colonel .	9th	
Oscar F. Lowe	Lieutenant Colonel .	9th.	
Edward Morrison . . .	Major	9th	
Frederick Doering	Lieutenant Colonel .	10th.	
Henry Hilderbrand	Major	10th	
James Coff.	Lieutenant Colonel	11th.	
Frederick Nase . . . .	Major	11th.	
Thomas Scott . .	Colonel .	19th.	
Jean Pierre Ravald	Lieutenant Colonel	19th.	
Charles H. Jacques	Major	19th.	
George R. Taylor . . .	Colonel .	23rd.	
T. McKissock . . . .	Lieutenant Colonel . .	23rd.	
E. W. Wallace.	Major.	23rd.	
Franklin L. Callender . . .	Colonel .	24th.	
O. G. McDonald.	Major	25th.	
David Craner . . .	Major	31st	
Thomas J. Whitely . . .	Colonel .	32d.	
Thomas H. Allen . .	Major	35th.	
Perryman K. Davis . . . .	Colonel .	36th	
Benjamin F. Torrance . .	Major	36th.	
J. T. K. Hayward . . .	Colonel .	38th.	
Joseph Loomis . . .	Lieutenant Colonel . .	38th.	
T. D. Price . . . .	Major	38th.	
Harrison P. Branch . . .	Colonel .	41st.	
John Pound . . .	Colonel	42d	
William A. Shelton .	Colonel .	45th.	
Sylvester S. Collins. .	Lieutenant Colonel .	45th	
Simon F. Summers . . .	Major	45th.	
John D. Brutsche . . . .	Colonel .	47th.	
Thomas O. Halloran .	Lieutenant Colonel . .	47th.	
Robert Allen . . . .	Major	47th.	
William T. Porter .	Lieutenant Colonel .	50th.	
Jacob Pugh . . . .	Major	50th.	
A. J. Barr	Colonel .	51st.	
James W. Black . . . . .	Lieutenant Colonel	51st.	
John Grimes . . . .	Major	51st.	
William Pope	Colonel .	52d	Resigned.
D. Walker Wear . . . .	Colonel . .	52d .	Vice Wm. Pope. resigned
H. L. Reavis . . . .	Lieutenant Colonel . .	52d.	
Orwin C. Tinker . . .	Colonel	53d.	
William P. Harrison . . .	Lieutenant Colonel .	53d.	
A. V. E. Johnson . . .	Major. . .	53d .	Resigned.
Albert B. Cohen . . . .	Major . .	53d	Vice Johnson, re- signed.
George Krumsick . . . . .	Colonel	54th.	
Morris D. Reese . . . . .	Lieutenant Colonel.	54th.	
Augustus Spinner . . . .	Major. .	54th.	
August Krumsick . . . . .	Colonel . .	55th.	

## OFFICERS OF THE ENROLLED MISSOURI MILITIA—Continued.

Name.	Rank.	Regiment.	Remarks.
Lewis Johnson. . . . .	Lieutenant Colonel. . . . .	55th.	Resigned. Vice Heaston, re- signed.
Philip Schenck. . . . .	Major. . . . .	55th.	
David J. Heaston. . . . .	Colonel. . . . .	57th. . . . .	
James M. Nevill. . . . .	Colonel. . . . .	57th. . . . .	
Francis M. Jackson. . . . .	Lieutenant Colonel. . . . .	57th.	Promoted. Vice Douglass.
William S. Weldon. . . . .	Major. . . . .	57th.	
Bennett Pike. . . . .	Colonel. . . . .	58th.	
Thornton Peck. . . . .	Lieutenant Colonel. . . . .	58th.	
Samuel A. Hunter. . . . .	Major. . . . .	58th.	
J. B. Douglass. . . . .	Colonel. . . . .	61st. . . . .	
Lewis P. Miller. . . . .	Colonel. . . . .	61st.	
Francis T. Russell. . . . .	Lieutenant Colonel. . . . .	61st.	
R. J. Eberman. . . . .	Colonel. . . . .	62d.	
Hamilton De Graw. . . . .	Lieutenant Colonel. . . . .	62d.	
Luther T. Foreman. . . . .	Major. . . . .	62d.	
J. S. Warmouth. . . . .	Colonel. . . . .	63d.	
Homer F. Fellows. . . . .	Lieutenant Colonel. . . . .	63d.	
John Ellis. . . . .	Major. . . . .	33d.	
Andrew J. Swain. . . . .	Lieutenant Colonel. . . . .	65th.	
Oliver P. Phillips. . . . .	Colonel. . . . .	66th.	
C. H. Canfield. . . . .	Colonel. . . . .	67th.	
D. M. Sullivan. . . . .	Lieutenant Colonel. . . . .	67th.	
James T. Howland. . . . .	Colonel. . . . .	69th.	
Elias Powell. . . . .	Lieutenant Colonel. . . . .	69th.	
George H. Simpson. . . . .	Major. . . . .	69th.	
William B. O'Keson. . . . .	Colonel. . . . .	70th.	
Stafford Graham. . . . .	Lieutenant Colonel. . . . .	70th.	
Richard J. Eskridge. . . . .	Major. . . . .	70th.	
William A. Wilson. . . . .	Lieutenant Colonel. . . . .	71st.	
F. S. Jones. . . . .	Colonel. . . . .	72d.	
John F. McMahan. . . . .	Lieutenant Colonel. . . . .	72d.	
Roswell K. Hart. . . . .	Major. . . . .	72d.	
John Small. . . . .	Major. . . . .	74th.	
Robert Bailey, Jr. . . . .	Colonel. . . . .	75th.	
Con. Weinrich. . . . .	Lieutenant Colonel. . . . .	75th.	
Stephen Jeude. . . . .	Major. . . . .	75th.	
Kersey Coates. . . . .	Colonel. . . . .	77th.	
Franklin Leavenworth. . . . .	Colonel. . . . .	78th.	
George Bond. . . . .	Lieutenant Colonel. . . . .	78th.	
Joseph Hagermiller. . . . .	Major. . . . .	78th.	
L. J. Rankin. . . . .	Colonel. . . . .	80th.	
Joseph P. Hesser. . . . .	Lieutenant Colonel. . . . .	80th.	
John Scott. . . . .	Colonel. . . . .	81st.	

At a request of a number of the Senators, I renew the nomination of Colonel John B. Gray, to be Brigadier General of the Enrolled Missouri Militia.

H. R. GAMBLE.



## NOMINATION OF OFFICERS OF THE MISSOURI STATE MILITIA.

Names.	Rank.	Regiment.
Odon Guitar . . . . .	Brigadier General . . . . .	1st Cavalry.
James McFerran . . . . .	Colonel . . . . .	1st Cavalry.
B. F. Lazear . . . . .	Lieutenant Colonel . . . . .	1st Cavalry.
A. W. Mullins . . . . .	Major . . . . .	1st Cavalry.
J. B. Rogers . . . . .	Colonel . . . . .	2d Cavalry.
Hiram M. Miller . . . . .	Lieutenant Colonel . . . . .	2d Cavalry.
Josephus Robbins . . . . .	Major . . . . .	2d Cavalry.
Dennis C. McKay . . . . .	Major . . . . .	2d Cavalry.
R. G. Woodson . . . . .	Colonel . . . . .	3d Cavalry.
James O. Broadhead . . . . .	Lieutenant Colonel . . . . .	3d Cavalry.
James Wilson . . . . .	Major . . . . .	3d Cavalry.
O. P. Newberry . . . . .	Major . . . . .	5th Cavalry.
Samuel H. Melcher . . . . .	Lieutenant Colonel . . . . .	6th Cavalry.
William Plumb . . . . .	Major . . . . .	6th Cavalry.
Thomas W. Houts . . . . .	Major . . . . .	7th Cavalry.
John D. Brutsche . . . . .	Lieutenant Colonel . . . . .	8th Cavalry.
Edward B. Eno . . . . .	Major . . . . .	8th Cavalry.
John F. Williams . . . . .	Colonel . . . . .	9th Cavalry.
Daniel M. Draper . . . . .	Lieutenant Colonel . . . . .	9th Cavalry.
Samuel A. Garth . . . . .	Major . . . . .	9th Cavalry.
Reeves Leonard . . . . .	Major . . . . .	9th Cavalry.

H. R. GAMBLE.

## TO THE SENATE

DECEMBER 14, 1863

*From the Journal of Executive Business in Senate Journal, p. 637*

EXECUTIVE MANSION, JEFFERSON CITY, December 14, 1863.

*To the Honorable, the President of the Senate:*

Sir—I am informed by the Adjutant General, that in the report which he made to me of officers in the Enrolled Militia, where appointments required the action of the Senate, the name of Hedgeman T. McClanahan, Major of the 66th Regiment, was omitted. I therefore nominate him for that position.

Very respectfully,

Your obedient servant,

H. R. GAMBLE.

TO THE SENATE AND THE HOUSE OF  
REPRESENTATIVES.

JANUARY 30, 1864

*From the Journal of the Senate, pp. 387-388*

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*To the Senate and House of Representatives:*

I herewith transmit the report of the Adjutant General of Missouri. It is carefully and elaborately prepared, and will be found to reflect great credit upon its author. Your attention is particularly called to the recommendations of the Adjutant General upon the following subjects:

First—The payment of claims for recruiting and organizing the Missouri State Militia.

Second—The repeal of so much of existing statutes as permits the exemption of persons from military service by the payment of a tax, or the modification of such statutes in that respect so as to permit a proper organization of the militia.

Third—The adoption of measures to procure reimbursement from the general government to the State for moneys expended in the payment of the Enrolled Militia. In this connection your attention is also called to the report of the Deputy Paymaster General, which accompanies the report of the Adjutant General.

Fourth—The adoption of a new militia law.

My enfeebled health has prevented me from giving the report that careful examination which it would otherwise have received at my hands. I shall not, therefore, make any further recommendations respecting it, trusting that the report will receive from you the consideration its importance demands.

H. R. GAMBLE.

## PROCLAMATIONS

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### ON THE PROVISIONAL GOVERNOR ASSUMING OFFICE OF THE EXECUTIVE

AUGUST 3, 1861

*From the Appendix of the Journal of the House of Representatives, pp. 34-37*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the People of the State of Missouri:*

Your delegates assembled in Convention have decided that, in order to vindicate the sovereignty of the State, it was necessary to vacate the offices of Governor, Lieut. Governor, Secretary of State, and members of the General Assembly, and to order an election to take place on the first Monday of November next, to fill those offices with persons of your own choice. They have chosen me to discharge the duties of Chief Magistrate until that election can take place.

No argument will here be made in support of the action of the Convention. An address has been issued to you by that body, in which are set forth the necessities for the action, and the power under which they have acted. I could give you no stronger expression of my deliberate judgment that their action was both constitutional and necessary, than is afforded by my acceptance of the office until the election can take place.

The choice thus made, of temporary or provisional Governor, will satisfy all that no countenance will be afforded to any scheme or to any conduct calculated in any degree to interfere with the institution of Slavery existing in the State. To the very utmost extent of Executive power, that institution will be protected.

The choice of temporary Governor gives the further assurance to all, that every effort will be made to stop

*the practices on the part of the Military, which have occasioned so much irritation throughout the State—such as arresting citizens who have neither taken up arms against the Government, nor aided those who are in open hostility to it, and searching private houses without any reasonable ground to suspect the occupants of any improper conduct, and unnecessarily seizing or injuring private property.* Such acts must be, and will be discountenanced, and there is every reason to believe from a general order recently issued by Lieut. Gen. Scott, and from the known disposition of Major General Fremont, whose command embraces Missouri, that *such OPPRESSIVE CONDUCT on the part of the Military* will in a short time be arrested.

There exists in many parts of the State a most unfortunate and unnatural condition of feeling among citizens, amounting to actual hostility, and leading often to scenes of violence and bloodshed, and even neighbors of the same race have come to regard each other as enemies. This feeling, too, has originated in questions of a political character, although the American mind has been accustomed to consider a difference upon such questions as affording no cause of hostility. Combinations have been formed for carrying out schemes of violence by one class against another, and by those holding one set of opinions against others holding a different set.

Civil government in this State has no concern with men's opinions, except to protect all in their undisturbed enjoyment. It is only when they become the causes of acts that they bring those who entertain them into any responsibility to the laws.

While this freedom of opinion is the right of all, and while it is the duty of each to respect this right in others, it is plainly the duty of the Government to suppress, as far as practicable, all combinations to violate this right, and all violence arising from a difference of opinion. Yet it is important that every well disposed citizen should remember, that the extreme and intemperate exercise of this right of expressing his opinions, often leads to unnecessary discord

and violence; and that refraining from the intemperate discussion of topics known to be exciting, would be but a slight contribution made by each toward the procurement of the general peace—It is believed that many citizens are now in arms, assembled under the proclamation of Governor Jackson, of the 12th of June, and that they responded to that call from a sense of obligation to obey State authority. They have been organized as a Military force under an act of the General Assembly, known popularly as the "Military Bill."

By the action of the Convention, that act has been annulled, all commissions issued under it have been revoked, and the organizations which have been formed have been disbanded.

Those who have taken up arms from a desire thus to obey State authority, will see that real obedience to that authority will be shown by at once quitting the organizations with which they are connected, and returning peacefully to their homes. This applies as well to officers as to privates in such organizations.

It is known that there are large quantities of powder and other munitions of war concealed in different places in the State, intended to be used by those of the citizens who are in arms. This is the property of the State, and ought to be disposed of to free the State from the debt incurred by its purchase, so far as the proceeds of its sale will have that effect. Information of its deposit ought to be given to this Department, so that it may be recovered and applied to the indebtedness of the State.

The Militia of the State has not an organization as efficient as it should be. The Convention, by Ordinance, adopted the act of 1859, in place of the Military bill of the last Assembly. It is necessary that there should be a complete organization under the act thus adopted by the Convention. Immediate attention to this duty is demanded by the condition of the country. Yet it is to be the act of the citizens who are willing to form bodies of volunteers.

The State has been invaded by troops from the State of

Arkansas, and a large force under Gen. Pillow, of Tennessee, has landed upon the soil of Missouri, notwithstanding the Congress of the Confederate States, in their act declaring war against the Government of the United States, expressly excepted Missouri, as a State, against which the war was not to be waged.

Gen. Pillow has issued a proclamation, addressed to the people of Missouri, in which he declares that his army comes at the request of the Governor of this State, and says they will help us to expel from our borders the population hostile to our rights and institutions, treating all such as enemies if found under arms. It remains to be seen whether General Pillow, and other officers of the Confederate States, will continue their endeavor to make Missouri the theatre of war, upon the invitation of Gov. Jackson, or of any other person, when such invasion is contrary to the act of the Confederate States, and when the invitation given by the Governor is withdrawn by the people. We have sought to avoid the ravaging our State in this war, and if the military officers of the Confederate States seek to turn the war upon us upon the mere pretext that they are invited by a State officer to be so, when they know that no officer of the State has authority to give such invitation, then upon them be the consequences, *for the sovereignty of Missouri must be protected.*

There should be, on the part of the people of Missouri, a paramount purpose to preserve the internal peace of their own State, *whatever may be the condition of affairs in other States. Our first duties are at home.\** If there could be a general recognition of this principle, the duty of preserving peace would be less onerous upon the magistracy of the State. But all will admit that however unpleasant it may be, the duty of preserving the peace must be discharged by those upon whom the law imposes it. The means furnished by law are ample and must be employed.

Combinations to oppress citizens, and deprive them of their civil rights, because of any opinions they may hold,

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\*"Claib. Jackson in his Proclamation of June 12th, 1861, says: 'Your first allegiance is due to your own State.'—Ed."

are flagrant offenses against law, and unworthy of the inhabitants of a free Republic. It must, of course, be expected that the power of the Government will be employed to subject all members of such combinations to the penalties imposed by law.

If those citizens, who, at the call of the late Governor, have taken up arms, choose to return voluntarily to their homes, to the peaceful pursuit of their occupations, they will find in the present Executive a determination to afford them all the security in his power, and there is no doubt entertained that they will be unmolested.

And now, people of Missouri, may not the hope be entertained that you will afford a cordial co-operation in an attempt to secure a return of peace? But a few months since you were prosperous and happy, in the enjoyment of all your rights, civil and political. If you have suffered already great loss, anxiety, and distress; if you live in constant apprehension of coming evil, in uncertainty about all that is future, you can see how terrible are the consequences of a violent attempt to overthrow an established Government, which has heretofore afforded peace, prosperity, protection, and equal rights to all. It is but the part of wisdom to bear evils which are known to be enduring, rather than encounter such as plainly will befall this people if peace be not speedily restored.

NOW, THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, in view of the foregoing facts, do hereby strictly charge and enjoin upon all sheriffs, and other magistrates, who are conservators of the peace, to use all the powers conferred upon them by law in arresting and bringing to punishment all persons who disturb the public peace, by using violence against any of their fellow citizens; and especially are you charged to bring to justice all who combine to practice violence against other persons on account of their political opinions; and if force should be employed to resist you in the discharge of your duties to an extent that you cannot overcome by the means provided by law, you are charged to make known that fact to this

Department, that proper measures may be taken in such case.

*It is enjoined upon all citizens, that they perform the duty of giving information of deposits of munitions of war belonging to the State, that they may come to the possession of the State without being captured by the troops of the United States.*

It is further enjoined upon all citizens, of suitable age, to enroll themselves in military organizations, that they may take part in the defence of the State.

All citizens who are embodied under the act of the last session of the General Assembly, popularly called the "Military Law," are notified that the law has been abrogated, the troops disbanded; the commissions issued under it, as well as the commissions under the act of the same session for the appointment of a Major General, have been annulled, and all soldiers and officers are enjoined to cease action in a military capacity.

The officers and other troops belonging to the Confederate States who have invaded Missouri are notified that it is against the will of the people of Missouri that they should continue upon the soil of this State, and that their continuance in Missouri will be considered an act of war, designed to bring upon the State the horrors of war, which Missouri desires to avoid. They are, therefore, notified to depart at once from the State.

Given under my hand as Governor, and under the  
Great Seal of the State of Missouri, at Jefferson  
(SEAL) City, this third day of August, eighteen  
hundred and sixty-one.

HAMILTON R. GAMBLE.

By the Governor,  
M. OLIVER, Secretary of State.



*ON HOLDING AN ELECTION.*

AUGUST 3, 1861

*From the Register of Civil Proceedings, 1861-1868, pp. 1-2*

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WHEREAS, The people of the State of Missouri, by their delegates in Convention assembled, did, in an ordinance providing for certain amendments to the Constitution, passed on July 30th, 1861, declare the offices of Governor, Lieutenant Governor, Secretary of State, and members of the General Assembly, vacated, and did, in conformity with said ordinance, appoint, provisionally, a Governor, Lieutenant Governor, and Secretary of State, "to continue in office until their successors are elected and qualified, or until the qualified voters of the State disapprove the action of said Convention;" and WHEREAS, the people, in Convention assembled, as aforesaid, did further ordain, that "on the first Monday of November, 1861, a Governor, Lieutenant Governor and Secretary of State, and members of the General Assembly, shall be elected by the qualified voters of this State, to hold their offices during the term for which the (then) incumbents of said offices were elected;" and

WHEREAS, In "an ordinance concerning the repeal and abrogation of certain laws, and for other purposes," (ordered by resolution to be published in the several newspapers of the State,) said Convention did also ordain that certain acts of the General Assembly, passed in secret session, and approved, respectively, on the 11th, 14th, and 15th of May, 1861, "be and are hereby repealed and declared of no effect or validity whatever;" and

WHEREAS, It was further ordained, that at the election provided to be held as above recited, the action of said Convention should be submitted to the people for their approval or rejection, votes upon which should be "For the action of the Convention," or, "Against the action of the Convention," the majority to determine whether the persons chosen shall or shall not enter upon the discharge of the

duties of the offices, respectively, for which they may be elected, and whether the action of said Convention shall or shall not continue in force.

NOW THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do, in conformity with said ordinances, hereby direct and command the Sheriffs of the counties, respectively, of the State, to cause notice of the time and place of holding said election within and for the county of which each respectively is Sheriff, to be given in accordance with the provisions of the general law, the election to be conducted in the same manner, in all respects, as is now provided by the election laws of this State, and at the places prescribed in said ordinances; and it is commanded that the returns be also made in conformity with said ordinance.

In Testimony Whereof, I have hereto set my name and caused to be affixed the Great Seal of the State of Missouri; Done at the City of Jefferson  
(L. S.) this third day of August, A. D. 1861; of the Independence of the United States the eighty-sixth, and of the State of Missouri the forty-first.

H. R. GAMBLE.

By the Governor,  
M. OLIVER, Secretary of State.

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### CALLING STATE MILITIA INTO SERVICE

AUGUST 24, 1861

*From the Appendix of the Journal of the Senate, p. 134*

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“The powers of the civil authorities being insufficient to protect the lives and property of the citizens of the State, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do hereby call into the active service of the State, forty-two thousand men of the Militia of the State, assigning six thousand as the quota for each Military District, which is the same as a Congressional District. The force thus called into the

service will be, as far as possible, a volunteer force, and will consist of ten thousand Cavalry, and thirty-two thousand Infantry. If the number volunteering should exceed this requisition, the excess will be held as a reserve corps. If there should be a deficiency, it may become necessary to resort to a draft. The Adjutant General will issue to the Division Inspectors of the several Military Districts, the order necessary to carry this requisition into effect. The force called out will be for six months, unless peace in the State be sooner restored. Arms will be furnished as rapidly as they can be had.

“Given under my hand and the seal of the State,  
at Jefferson City, this twenty-fourth day of August,  
in the year eighteen hundred and sixty-one.

H. R. GAMBLE.

“By the Governor:

M. OLIVER,

Secretary of State.”

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### OFFERING A REWARD

AUGUST 27, 1861

*From the Register of Civil Proceedings, 1861-1868, p. 10*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo., AUGUST 27, 1861,

WHEREAS it has been represented to me by the Sheriff of Saline County, (D. W. Marmaduke) that Joseph Owens and James M. McDuffie, who were upon a charge of murder in the first degree, committed to the Common Jail of the said County of Saline, did on the night of the 19th day of August, 1861, escape from said Jail, and have fled from justice, and are now going at large, to the great detriment of the peace, good order and dignity of the State.

NOW, THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, by virtue of authority in me vested by law, do hereby offer a reward of one hundred and fifty dollars each, for the apprehension and delivery of the said

Joseph Owens and James M. McDuffie to the Sheriff of the said County of Saline.

In Testimony Whereof, I have hereunto set my hand and caused to be affixed the Great Seal of  
(L. S.) the State of Missouri. Done at the City of Jefferson this 27th day of August A. D. 1861.

(Signed) H. R. GAMBLE.

By the Governor

M. OLIVER, Secretary of State.

#### Description.

The said Joseph Owens is about six feet in height, with black hair and large black eyes—will weigh about one hundred and sixty pounds.

The said James M. McDuffie is also about six feet high, with brown hair and small dark eyes, and dark complexion—will weigh about one hundred and sixty pounds.

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### CALLING A SESSION OF THE STATE CONVENTION

September 21, 1861

*From the Journal of the Missouri State Convention, p. 3*

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Thursday Morning, October 10, 1861.

“The exigencies of the State require in my judgment the re-assembling of the State Convention; THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, by virtue of the power vested in me by the Convention, do hereby call the Convention of the State to assemble at the Mercantile Library Hall in the city of St. Louis, on the 10th day of October next, to adopt such measures as the welfare of the State may require.

“Given under my hand and the seal of the State,  
at Jefferson City, this 21st day of September,  
A. D. 1861.

(Signed,) H. R. GAMBLE.

By the Governor,

M. OLIVER, Secretary of State.”

*FIXING DATE FOR AN ELECTION*

DECEMBER 9, 1861

*From the Register of Civil Proceedings, 1861-1868, p. 16*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the Sheriffs of the Counties of Lewis, Clark, Scotland, Knox, Shelby, Howard, Randolph, Macon, Adair, Schuyler, Putnam, Sullivan, Linn, Chariton, Carroll, Livingston, Grundy and Mercer:*

*Greeting:*

WHEREAS, Hon. John B. Clark, a member elect to the House of Representatives of the Thirty-seventh Congress of the United States, from the Third Congressional District of the State of Missouri, has been expelled from said House of Representatives, by the action of that body, in consequence whereof a vacancy exists in the office of Representative from the said Third Congressional District in the said House of Representatives:

NOW, THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do hereby direct and command that you give ten days notice according to law, and cause an election to be held on Monday the thirtieth day of December, A. D. 1861, at the usual places of holding elections in your County for the election of a Representative from the said Third Congressional District to the House of Representatives of the said Thirty-seventh Congress, to fill the vacancy aforesaid. You are further commanded that you certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand, and caused to be affixed the Great Seal of the State of Missouri. Done at Jefferson City this 9th day of December, A. D. 1861; of the  
(L. S.) Independence of the United States the Eighty-sixth, and of the State of Missouri the Forty-first.

(*Signea*) H. R. GAMBLE.

By the Governor:

M. OLIVER, Sec. of State.

## FIXING DATE FOR AN ELECTION

DECEMBER 13, 1861

*From the Register of Civil Proceedings, 1861-1868, pp. 17-18*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the Sheriffs or Coroners of the Counties of Jackson, Cass, Henry, Johnson, Lafayette, Saline, Pettis, Benton, Morgan, Moniteau, Cooper, Cole and Miller:*

*Greeting:*

WHEREAS, Hon. John W. Reid, a member elect to the House of Representatives of the Thirty-seventh Congress of the United States, from the Fifth Congressional District of the State of Missouri, has been expelled from said House of Representatives, by the action of that body, in consequence whereof a vacancy exists in the office of Representative from said Fifth Congressional District in said House of Representatives:

NOW, THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do hereby direct and command that you give ten days notice according to law, and cause an election to be held on Monday the sixth day of January, A. D. 1862, at the usual places of holding elections in your county, for the election of a Representative from said Fifth Congressional District to the House of Representatives of the said Thirty-seventh Congress, to fill the vacancy aforesaid. And you are further commanded that you certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at City of Jefferson this 13th day of December, A. D. 1861; of the Independence of the United States the Eighty-sixth, and of the State of Missouri the Forty-first.

(signed)

H. R. GAMBLE.

By the Governor:

M. OLIVER, Sec. of State.

**FIXING DATE FOR AN ELECTION**

FEBRUARY 3, 1862

*From the Register of Civil Proceedings, 1861-1868, p. 24*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, Mo.

*To the Sheriffs, or Coroners, of the Counties of Boone, Howard, Randolph and Macon, Counties composing the Second Judicial Circuit, to wit:*

*Greeting:*

WHEREAS a vacancy now exists in the Office of Judge of the Circuit Court, within and for the Second Judicial Circuit of the State of Missouri, in consequence of the late incumbent thereof—Hon. William A. Hall, having resigned the same: And WHEREAS a vacancy exists in the office of Circuit Attorney of the Judicial Circuit aforesaid in consequence of the late incumbent thereof, H. M. Porter Esqr. having also resigned the same:

THEREFORE, I, WILLARD P. HALL, Acting Governor of the State of Missouri, do hereby direct and command that you give at least ten days notice according to law & cause an election to be held at the usual places of holding elections in your County, on Monday the 24th day of February A. D. 1862, for the election of a Judge and Circuit Attorney, within and for said Second Judicial Circuit, to fill the vacancies aforesaid. You are further commanded that you certify to me how you executed this writ.

In Testimony Whereof I have hereunto set my hand & caused to be affixed the Great Seal of  
(L. S.) the State of Missouri. Done at the City of Jefferson this 3rd day of February A. D. 1862, of the Independence of the United States the 86th & of the State of Missouri the forty first.

WILLARD P. HALL.

By the Governor—

M. OLIVER, Sec'y of State.

## FIXING DATE FOR AN ELECTION

FEBRUARY 3, 1862

*From the Register of Civil Proceedings, 1861-1868, pp. 24-25*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the Sheriff, or Coroner, of the Counties of Lewis, Clark, Scotland, Knox, Adair & Schuyler Counties composing the Fourth Judicial Circuit.*

*Greeting:*

WHEREAS a vacancy now exists in the office of Judge of the Circuit Court within and for the Fourth Judicial Circuit of the State of Missouri in consequence of the death of the Hon Thomas S. Richardson—late incumbent of said office:

NOW, THEREFORE, I, WILLARD P. HALL, acting Governor of the State of Missouri, do hereby direct and command that you give at least ten days notice according to law, and cause an election to be held at the usual places of holding elections in your county, on Monday the 24th day of February A. D. 1862, for the election of a Judge within and for said Judicial Circuit, to fill the vacancy aforesaid.

And you are further commanded that you certify and make return to me how you executed this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri: Done at City of Jefferson  
 • (L. S.) this 3rd day of February A. D. 1862. Of the Independence of the United States the 86th & of the State of Missouri 41st.

By the Governor:

WILLARD P. HALL

M. OLIVER, Sec. State

## CALLING A SESSION OF THE STATE CONVENTION

APRIL 28, 1862

*From the Register of Civil Proceedings, 1861-1868, p. 37*

The public exigencies, in my judgment, require that the Convention of the State should be convened, as well for the



purpose of dividing the State into Congressional Districts so that the number of Representatives to which we are entitled may be regularly elected, as for the transaction of other necessary business:

THEREFORE I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do call the Convention of the said State to assemble in the Capitol in the City of Jefferson on the first Monday of June next.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of (L. S.) the State. this Twenty Eighth day of April in the year Eighteen hundred & Sixty Two—

H. R. GAMBLE

By the Governor—

M. OLIVER, Sec'y State

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### FIXING DATE FOR AN ELECTION

MAY 9, 1862

*From the Register of Civil Proceedings, 1861-1868, pp. 39-40*

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EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the Sheriffs of Grundy, Daviess, Mercer and Harrison Counties composing the 9th Senatorial Circuit:*

*Greeting:*

WHEREAS the late Col. Jacob T. Tindall, a Delegate elect to the Missouri State Convention from the ninth Senatorial District of the State of Missouri has departed this life, in consequence whereof a vacancy now exists in the office of Delegate from the said Ninth Senatorial District in said Convention.

NOW, THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri do hereby direct and command that you give ten days notice according to law and cause an election to be held on Monday the 26th day of May 1862, at the usual places of holding elections in your County, for the

election of a Delegate from said Ninth Senatorial District to fill the vacancy aforesaid. And you are further commanded that you certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri—Done at the City of Jefferson  
(L. S.) this 9th day of May A. D. 1862, of the Independence of the United States the eighty sixth (86th) and of the State of Missouri the forty second.

H. R. GAMBLE

By the Governor—

M. OLIVER, Sect'y: of State

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### CALLING FOR VOLUNTEERS

JUNE 7, 1862

*From the Register of Civil Proceedings, 1861-1868, p. 42*

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The Major General Commanding the Department of the Mississippi calls for recruits to fill up the Volunteer Regiments of Missouri in the service of the United States.

An opportunity is thus presented to the gallant sons of Missouri to enroll themselves in Regiments which have already gained great distinction in upholding the Flag of their country against a most unnatural and wicked rebellion. Let their ranks be filled promptly.

Recruiting officers will be detailed and recruiting Stations established by General Orders.

In Witness Whereof I have hereunto set my hand  
(L. S.) and caused to be affixed the Great Seal of the State the date above written.

H. R. GAMBLE

By the Governor

M. OLIVER—Secy State.

*FIXING DATE FOR AN ELECTION*

SEPTEMBER 5, 1862

*From the Register of Civil Proceedings, 1861-1868, pp. 46-47*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the Sheriffs of the Counties of Gasconade, Franklin, Washington, St. Francois, Perry, Ste. Genevieve, Jefferson and Iron, respectively to wit:*

WHEREAS a vacancy exists in the Office of Judge of the Circuit Court within and for the Ninth Judicial Circuit of the State of Missouri, caused by the resignation of John H. Stone late incumbent of said Office:

NOW, THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do hereby direct and command that you give ten days notice according to law, and cause an election to be held, at the usual places of holding elections in your county, on Monday the Twenty Second day of September A. D. 1862 for the election of a Judge to fill said vacancy.

And you are further commanded that you certify to me the execution of this writ.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State. Done at the City of Jefferson this  
(L. S.) 5th day of September A. D. 1862—Of the Independence of the United States the 87th and of the State of Missouri the 42nd.

By the Governor:

H. R. GAMBLE

M. OLIVER, Sec'y of State.

*ON THANKSGIVING*

NOVEMBER 6, 1862

*From the Register of Civil Proceedings, 1861-1868, pp. 49-50*

The affairs of States and of individuals are alike under the Superintendence of Divine Providence, and it is becom-

ing that as a people we should render to the Supreme Ruler suitable acknowledgments of our dependence upon Him and suitable expressions of our thankfulness for the blessings he has conferred upon us during the year.

Although man's madness may have brought incalculable evils upon our State, we may contrast the evils thus produced with the beneficent results of a kind Providence acting for our Good—

We have heard the "confused noise," of battle and "seen the garments rolled in blood," while He has kept still the tempest, the whirlwind and the earthquake the ministers of his wrath.

We have seen the mother, the wife, the sister, clad in the garments of mourning and we knew that man had brought the war while He held back the "pestilence that walketh in darkness" and tempered the atmosphere to the preservation of our lives and health.

We have seen man wasting and destroying while He points us to the rich harvests which He has given and calls us to praise Him "for his goodness to the children of men."

Let us then praise Him with thankful hearts and express our joy that He reigns, and that He has been merciful to us amidst the calamities which man has brought upon us, and let us rejoice for the assurance that He will even "cause the wrath of man to praise Him."

In view of the multiplied blessings conferred upon us as a people by Divine Providence, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, do appoint Thursday the 27th day of this present month of November, as a day of Thanksgiving to God for His Goodness manifested to us during the year and I do earnestly recommend to the good people of the State to assemble on that day in their respective places of worship, and present to God the homage of grateful hearts in view of His abounding goodness and invoke his protection for the future.

In Testimony Whereof I have hereto set my hand  
and caused the great seal of the State to be af-

(L. S.) fixed this Sixth day of November in the year of our Lord One Thousand, Eight Hundred & Sixty Two.

H. R. GAMBLE

By the Governor

M. OLIVER, Sec'y State.

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## CALLING A SESSION OF THE STATE CONVENTION

APRIL 15, 1863

*From the Register of Civil Proceedings, 1861-1868, pp. 64-65*

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EXECUTIVE DEPARTMENT, JEFFERSON CITY, April 15, 1863.

The subject of emancipation has now for some time engaged the public mind, and it is of the highest importance to the interest of the State, that some scheme of emancipation should be adopted.

The General Assembly at its late Session, being embarrassed by constitutional limitations upon its power, failed to adopt any measure upon the subject of emancipation, but clearly indicated a wish that the Convention should be called together to take action upon the subject.

THEREFORE, I, HAMILTON R. GAMBLE, Governor of the State of Missouri, by virtue of the authority vested in me by the Convention, do hereby call the said Convention to assemble at the capitol in the City of Jefferson on the fifteenth day of June next, then and there to consult and act upon the subject of emancipation of slaves and such other matters as may be connected with the peace and prosperity of the State.

In Witness Whereof, I have hereto set my hand, and caused the Great Seal of the State to be affixed. Done at Jefferson City, the day and year first above mentioned.

H. R. GAMBLE

By the Governor

M. OLIVER, Sec'y of State.

**FIXING DATE FOR AN ELECTION**

JUNE 11, 1863

*From the Register of Civil Proceedings, 1861-1868, pp. 68-69*

EXECUTIVE DEPARTMENT, CITY OF JEFFERSON, MO.

*To the Sheriff or Coroner of the County of———:**Greeting:*

WHEREAS, the late Hon. John W. Noell, a member elect to the House of Representatives of the Thirty Eight Congress of the United States from the Third Congressional District of the said State of Missouri, has departed this life, in consequence whereof a vacancy now exists in the Office of Representative from said Third Congressional District in said State of Missouri:

NOW THEREFORE I HAMILTON R. GAMBLE Governor of the State of Missouri do hereby direct and command that, you or either of you, give at least twenty days notice according to law and cause an election to be held on Monday the third day of August A. D. 1863 at the usual places of holding elections in your County, for the election of a Representative from said third Congressional District to the House of Representatives of the said 38th Congress to fill the vacancy aforesaid; and you are further commanded that you certify to me the execution of this writ and how you executed the same.

In Testimony Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson this the 11th day of June A. D. 1863: Of  
(L. S.) the Independence of the United States the Eighty Seventh and of the State of Missouri the Forty Third.

H. R. GAMBLE

By the Governor

M. OLIVER, Secretary of State.

## ON THE ORGANIZATION OF THE MILITIA OF MISSOURI

JULY 22, 1863

*From the Appendix of the Journal of the House of Representatives, p. 43*

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"HEADQUARTERS STATE OF MISSOURI, ADJUTANT GENERAL'S  
OFFICE, ST. LOUIS, July 22, 1863.

### "Special Orders:

#### No. 101.

"The existence of numerous bands of guerrillas in different parts of the State, who are engaged in robbing and murdering peaceable citizens for no other cause than that such citizens are loyal to the Government under which they have always lived, renders it necessary that the most stringent measures be adopted to punish all such crimes and to destroy such bands.

"Brigadier General John M. Schofield, in command of the Missouri State Militia, is hereby authorized to organize the entire Militia of the State into companies, regiments and brigades, and to order into active service such portions of the force thus organized as he may judge necessary for the purpose of putting down all marauders and defending the peaceable citizens of the State.

H. R. GAMBLE,  
Governor of the State of Missouri."

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## OFFERING A REWARD

AUGUST 5, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 73*

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WHEREAS, it has been represented to me that Thomas Job, William Duke, John Smith, Nathan Smith, John Wilson and Pryor Harrison, did on the 9th day of July 1863, murder John Baughman, and feloniously wound James Henry and  
———— Ottem, in the County of Morgan, Missouri,

and WHEREAS, it is further represented to me that said parties have absconded and are now going at large to the great detriment of the peace, order and dignity of the State.

NOW THEREFORE, I, WILLARD P. HALL, acting Governor of the State of Missouri, do hereby offer a reward of three hundred dollars each, for the arrest and delivery of either or all of said parties to the Sheriff of Morgan County—

In Witness Whereof I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri. Done at the City of Jefferson  
(L. S.) this 5th day of August A. D. 1863, Of the Independence of the United States, the eighty seventh and of the State of Missouri the forty third.

WILLARD P. HALL

By the Governor

M. OLIVER, Secy of State.

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## ON NEW USES OF THE GREAT SEAL OF THE STATE

OCTOBER 12, 1863

*From the Register of Civil Proceedings, 1861-1868, pp. 78-82*

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Many evil disposed persons are now engaged in endeavoring to produce disaffection towards the State Government with the avowed purpose of overthrowing it by violence if they shall be unable to accomplish their end by other means. They endeavor to attract other citizens to their support by the circulation of most unfounded Statements and misrepresentations. Among this class of persons are to be found men who bear about with them commissions from the State Government and many who have obtained notoriety only by the favor of that Government; while others of them have been removed from office and still others have been refused office by that Government.

So far as the end which they seek can be effected by means conforming to the constitution, and the laws, through the expression of the popular will, no objection can be made to any change in the Government which the people may



desire to make, but the proclaimed purpose of effecting it by violence, demands that the people should be put upon their guard against a scheme which may result in the complete ruin of the State.

In order to excite the public mind they have resorted to the circulation of the most extraordinary falsehoods in relation to the purposes and conduct of the State Government.

They accuse the State Government of disloyalty to the United States, while they know that the present Executive assumed his functions at a time when the authority of the Federal Government in the State was in the utmost danger, and the lives and fortunes of its friends were in the greatest peril.

They know that he called for forty-two thousand men of the militia to be used against the rebel disturbers of the peace of the State.

They know that he hastened to Washington to obtain arms and the means of maintaining the force that answered to the call:

They know that directly afterwards he went to Washington and effected an arrangement with the President to raise a permanent force to serve in the State during the war as State Militia:

They know that he raised that force to several thousand men, beyond the number Congress would agree to pay, and was therefore compelled to reduce it:

They know that this force has rendered valuable service against the rebel enemy in this State:

They know that under the constitution and laws he issued an order for the enrollment and organization of the entire loyal militia of the State and that he expressly prohibited the organization of men who were disloyal:

They know that from time to time he has called into active service large numbers of this militia, to be used in the suppression of the rebellion in this State:

They know that he ordered the organization of Provisional Regiments by detailing companies from the body of

the militia of "Known loyalty and efficiency," while they have pretended to believe that these Regiments were designed to be used for some disloyal purpose.

They know that they were placed under the command of the Major General Commanding the Department:

They know that when the late Commanding General of this Department called for assistance the Executive gave him ten Regiments of militia to aid in repelling a rebel invasion.

They know that when it became his duty to communicate to the Legislature of the State, certain resolutions of the Legislature of Delaware, favoring an armistice and negotiation with the rebels, he accompanied them, with a Message, which was adopted by the Legislature as a response to the Delaware resolutions in which he maintained that under the Constitution the controversy with the revolted States could only be settled by the sword.

Other facts equally notorious and equally significant might be referred to, but the foregoing are sufficient to render it impossible that any sane man can believe the executive of the State disloyal to the United States.

These men seizing upon the desire that has existed throughout the State, for the emancipation of slaves, have represented the Executive as opposed to the popular will, and hostile to emancipation. As he called the late Convention to assemble in June last, to consider and adopt a plan of emancipation they represent his action, as designed to thwart the will of the people. Yet they know, that the Senate passed a resolution requesting him to call the Convention, and that the Senate also passed a bill for the call of a new Convention provided the old Convention did not assemble and adopt a plan of emancipation prior to the first of July, and that this bill was defeated in the Cause of Representatives by parliamentary tactics: They know, that in his Message to the Convention he expressly declined to recommend any particular plan of emancipation but urged the body to harmonize, as far as practicable upon the difficult points that belonged to the measure:

They know that as a member of the Convention he avowed his determination to have some plan of emancipation adopted so far as his efforts could effect it:

They know that as a member he proposed to terminate slavery in 1867, and yielding to the wishes of others, he supported a proposition to terminate it in 1866:

They know that in Convention he voted against the proposition to exempt slaves from taxation.

Yet with all this knowledge they endeavor to inflame the public mind against the State Government by falsely representing the Executive as endeavoring to defeat the public will by trick, and artifice:

They accuse the Executive of sympathy with Guerillas and Bushwhackers, yet they know that the order, which he issued for the enrollment of the militia, and which was published in the papers was made because of the existence of guerillas in the State and expressly declares that, "the existence of numerous bands of guerillas in different parts of the State, who are engaged in robbing and murdering peaceable citizens for no other cause than that such citizens are loyal to the Government under which they have always lived, renders it necessary that the most stringent measures be adopted to punish all such crimes and to destroy such bands."

Then the order proceeds to direct the enrollment:

They know that while the executive gave no countenance to the cold blooded murder of men upon mere suspicion of being connected with Guerillas and while he always recognized the danger of leaving the lives of unarmed men to the summary disposition of the soldiery, without investigation lest the innocent and the guilty should be indiscriminately destroyed, Yet there has been no order issued, words uttered, or act done by him, with the intent of screening real Guerillas from punishment.

While acting thus upon principles which must regulate every civilized Government, he is now represented by these conspirators as sympathizing with the very criminals he was endeavoring to have punished.

These men make industrious efforts to impress upon the public mind the idea that the present executive persistently holds on to power which he has usurped.

They know, that the power which is now exercised rests upon precisely the same foundation as that which was exercised when the Provisional Government was established, which is the will of the people as expressed by their delegates in Sovereign Convention, and if that power is now usurped, it was so from the beginning of the Provisional Government, and consequently Claiborne F. Jackson was Governor of the State up to the day of his death, and all appointments made by the present Executive are subject to question;

They know also that the present executive endeavored to divest himself of the office and only consented to retain it at the request of the representatives of the people. The truth there has never been a day since he accepted the office when he would not have gladly given it up if in the opinion of those whose judgment he was bound to respect, he could have done so consistently with the public safety.

The only design of this paper, being to guard the unwary against being led by the artifices of these designing men, into a false position, in relation to the State, which may involve them in danger, it is impossible, within any reasonable limit, to notice the innumerable false accusations, while have daily issued from a corrupt and malignant press, for many months past. Those which have been noticed above, and which are most important may be taken as fair specimens of the correctness of all.

It may with propriety be repeated that *no objection* is here intended to be suggested to any change in their Government, which the people may think proper to make by peaceful means in accordance with the Constitution and laws, but it is intended to warn all persons against any attempt to effect a change by means of violence.

The principle that every Government is bound to protect itself against violence is the principle upon which the Federal Government is engaged in suppressing a great rebellion and is applicable as well to the State Government.

Our State Constitution prescribes what shall be treason against the State, and our Statutes fix the penalty at death or long imprisonment in the Penitentiary. There can then be Traitors against the State as well as against the Federal Government.

In all treasons the masses engaged are misled by the arts and falsehoods of a few designing leaders, and it is now earnestly desired that all the good people of Missouri shall be on their guard against all artifices which may lead them to their ruin.

It is earnestly desired to avoid the spectacle of a social war on this American Continent, and that the people of a free country may exercise all their rights under the Constitution and the laws without being hindered by violence, so that at last we may be able to furnish an example of a people capable of self government.

To the end therefore that all the good people of the State may be guarded against being involved in conspiracies or combinations for violence and that all persons may be induced to exercise their own rights freely, and respect the rights of other; I HAMILTON R. GAMBLE, Governor of the State of Missouri, while entreating the people to abstain from violence amongst themselves, and from all unlawful combinations, do admonish them that the oath which binds me to see that the laws are faithfully executed leaves me no choice as to the employment of all the force I can command to sustain the laws, preserve the peace of the State, and punish those who disturb it. And I do admonish them that as the highest political right of a citizen is to vote at elections, any interference, especially by the military, with the right of the qualified voters, to vote for whomsoever they please will be regarded as an offense of the greatest magnitude.

With the earnest hope that Providence will guard us against the terrors of anarchy, and that we may long continue to enjoy social order, and that the blessings civil political and religious, which He has bestowed upon us,

I command the contents of this paper to the careful consideration of all citizens of this State.

In Testimony Whereof I have hereunto set my  
hand and caused the Great Seal of the State to  
(L. S.) be affixed this 12th day of October One thousand  
Eight Hundred and Sixty three, and the Inde-  
pendence of the United States the Eighty Eighth.

H. R. GAMBLE

By the Governor

Governor of Missouri

M. OLIVER, Secretary of State.

## MEMORANDA OF PROCLAMATIONS AND WRITS OF ELECTION

APRIL 13, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 65*

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The Governor issued Writs of Election to the Sheriffs, or Coroners, of the several counties composing the following Senatorial Districts for the purpose of holding elections on the 25th day of May A. D. 1863 in said Senatorial Districts for Members or Delegates to represent said several districts in the Missouri State Convention to fill certain vacancies occasioned by expulsions, vacations and deaths, to wit—The 2nd, 6th, 17th, 18th, 19th, 20th, 22nd, 25th, 26th and 29th.

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MAY 29, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 67*

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The Governor issued Writs of Election to the Sheriffs or Coroners of the Counties of Buchanan, Worth, Gentry, and DeKalb for the Election of a Delegate to the State Convention from said Counties *vice* Robert W. Donnell resigned on Thursday the 11th day of June A. D. 1863—five days notice to be first given.

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MAY 30, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 67*

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The Governor issued writs of Election to the Sheriffs of the Counties of Jackson, Cass and Bates for the holding of an election in said Counties on Saturday 13th of June A. D. 1863 for the election of a Delegate to the State Convention from said Counties *vice* Robert A. Brown resigned.

SEPTEMBER 17, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 76*

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The Acting Governor issued writs of election to the Sheriffs or Coroners of the Counties of Ozark and Douglas ordering an election to be held in said Counties on Tuesday 3rd day of November A. D. 1863 for the election of a Representative from said Counties to the 22nd General Assembly to fill the vacancy caused by the death of the late Hon Robt. Hicks.

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SEPTEMBER 28, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 76*

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The Governor issued a Special Writ of Election for the election of a Representative from the County of Cedar to fill the vacancy caused by the death of the late Hon. Obediah Smith—election to be held on Tuesday the 3rd day of November A. D. 1863. The notice to be given being ten days.

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OCTOBER 15, 1863

*From the Register of Civil Proceedings, 1861-1868, p. 78*

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The Governor issued Special writs of election to the Sheriffs or Coroners of the Counties of Linn, Sullivan, Putnam and Livingston Counties composing the 8th Senatorial District for the election of a State Senator from said District to the 22nd General Assembly to fill a vacancy caused by the death of Hon. John McCullough late Senator and ordered said election to be held on Tuesday the 3rd day of November—giving ten days notice.

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